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## Decisive Evaluation of Trade Union Membership's Knowledge on Labor Laws - with Respected to Strike Actions- A Case of Non-academic Employees of University of Peradeniya, Sri-Lanka

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### Abstract

*The purpose of this research is to evaluate and analyze employees knowledge on labor laws with respected to strike actions. The research was conducted in case study method and 65 of respondents were identified as the sample of the research. The research problem is that "Up to which extent trade union membership has knowledge on labor laws when they are seeking for a strike action". To evaluate the purpose of the research, mix method was adopted. Survey method and other qualitative data collection methods were acquired to gather information from respondents. According to the findings of the study, trade union membership hasn't sufficient knowledge on labor laws when they are seeking for a strike action. Trade union members have low level of knowledge with respect to labor laws when they are seeking for a strike action.*

**Key Words:** Trade Union Members, Knowledge, Strike Actions, Labor Laws

### 1. Introduction

In contemporary labor relation setting, organizational trade unions act as a prominent role with the labor environment. Therefore, trade union actions have become aggressive and fast growing feature in labor relations. In current scenario, trade union organizations tend to take trade union actions more aggressively than earlier days. Hence, it is critical factor to evaluate trade union membership's knowledge on labor laws with respected to strike actions. Thus, no 14 of 1935 trade union ordinance of Sri-Lanka define trade union as an association or combination of workmen or employee whether temporary or permanent. Wijewantha and Gamage (2011)

describes that trade are the organizations which represent their employees at workplace. Weerasooriya (2010) describes that in England in 1820's workers curtailment powered unionization in England. According to Gamage and Hewagamage(2012) after the establishment of British Labor Party in 1889 by the British Trade Union Congress, labor became politically powerful instrument in England. Mr. A.E.Bultigens was the person who had introduces these trade unions to Sri-Lanka. When he was getting his education abroad, Fabian Society and Social Democratic Federation have been influenced to him. After his return to his motherland, he wrote an article to a monthly journal called as "Independent Catholic" in 1893. Through this article what he wanted was to support to establishing trade unions in Sri-Lanka. His main focus went to printing industry workers who got very less amount of wages in that period. After period of three months, printing company called H.V. Cave Company stopped their word as a result of delay payment of wages to the employees. Sarvaloganayagam(Year Not Mentioned) mentioned that, this was the turning point of Sri-Lankan labor and first trade union was established in this point. This trade union was established by the printers in Colombo and it was called as Ceylon Printers Society. Significantly, this was a result of that printers were the originators in the field of trade unions in other countries too. According to the evidences, this Ceylon Printers Society was the first trade union in South Asia too. After this strong movement of unionism strike actions of employees were became a common feature of employees (Gamage and Hewagamage, 2012)

## **2. Research Problem and Objective of the Research**

Trade union involvement in trade union actions can be seen through many appraisals. Strike actions indicate one of this trade union involvement in trade union actions and this research constricted to evaluate trade union membership knowledge on labor laws- with respected to strike actions. Thus, the research problem is that "Up to which extent trade union membership has a knowledge on labor laws when they are seeking for a strike action". Hence, the primary objective of this research is to evaluate trade union membership's knowledge on labor laws respected to strike actions.

## **3. Research Methodology**

To conduct this research mix method was adopted. Survey questionnaire and other qualitative research methods were acquired to gather information from trade union members. A well structured questionnaire was distributed among trade union members to gather quantitative data from trade union membership.

The research study was executed in The University of Peradeniya. This University is known as the biggest residential university among other 16 state universities which was established in 1942 in Sri-Lanka. In this university, there are 2,973 non-academic members and among them 65 of employees were selected. This sample was attached to different departments, units and professionals of the university body. Simple random sampling method was acquired to select the appropriate respondents for the research and each of these trade union members was selected through employee list which is maintained by the organization. One month of duration has taken

to collect field data from respondents and survey questionnaire were given to specific respondents.

#### **4. Literature Review**

Scholars define trade unions in different ways according to their own perspective. Adhikaram(2012) describes that trade unions are a collection of employees who work together to achieve a common objective. This trade union can be a collection of either employees or employers. Noe, Hollenbeck and Gerhart(2006) describes that trade unions attempt to take benefits through formal and independent sound establishing terms and conditions of employment through collective actions. According to Wickramasinghe(2001) trade unions are organizations or combinations of employees or employers. These employees can be temporary or permanent.

Gamage and Hewagamage(2012) explains that history of Sri-Lanka's trade union dates back to 1800's. As mentioned in the above paragraphs the first person to introduce trade unions into Sri-Lanka was Mr. A.E.Bultigens. In 1893 after Mr.A.E.Bultigens had finished his higher education in Cambridge University, and wrote an article to a monthly journal called "Independent Catholic". Through this article what he wanted to give to the society was the significance of trade unions. This was very much applicable to printing industry who earned very low wages during that period. After that British owned company which was called as H.W.Cave Company, a large printing and book seller in Colombo stuck their work. They had stuck their work due to delay of their wage payments. Then they gathered together and established Ceylon Printers Society. Sri-Lanka's fist trade union was formed by the printers in Colombo and it was called as Ceylon printer's society. The reason for establishing trade union by printers was that in other countries printers have been pioneers in the trade union field (Sarvaloganayagam,y.n.m) Then strikes were common incidents in urban working class and some middle class. Those employees needed strong leaders due to their low level of education. Within 1906 to 1915 period Sri-Lanka's interconnection between political, religious and labor unrest become more expressed. In 1906 the strike of carters met with success. Within this period trade union movements were led by educated people. So Mr:A.E.Gunasinghe was one of most outstanding leader in this period. From 1928-1933 All Ceylon Trade Union Congress was formed with Marxists who got their education from foreign countries. After this Marxists movement today within Sri-Lanka it is possible to see various trade unions that connected with different political parties.

#### **4.1. Factors Affecting to Trade Union Members Involvement in Trade Unions**

Sloane and Witney (2010) had discovered that there are four main reasons as to join a trade union. One reason is physiological needs. According to him one employee out of 114 workers in a large industrial local union becomes a union member mainly to attain this need. He has described that the members who are frustrated in attempting to satisfy their minimum needs such as food, clothing and shelter are unemployed and they are not logical candidates for union membership. Next reason employees join trade union is safety needs. Under safety needs, union

membership can provide their workers with some assurance against arbitrary management actions. Satisfaction of safety needs means protection against discretionary deprivation, danger and threat. Third reason why employees are joining trade unions is social needs. He described that social pressure has been significantly affecting employees to join unions. The final need that he has identified is higher needs. It means few employees join trade unions for gaining and retain positions of authority within the hierarchy of union.

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.

#### **4.2. 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 OF Sri-Lanka 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

#### **4.3. Registration of Trade Union**

The Trade union ordinance No 14 of 1935 requests unions to be registered within 3 months from its establishment. Application to the registration should be registered and must be in prescribed form. Not only that it should be 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 has to send the constitution of the union to the registrar. If the registrar is satisfied with the trade union applying for registration and it is followed provisions of ordinance, registrar will accept the application and registrar will register the union. If application is not comply with the provisions of the ordinance and its amendments, or its regulations, objects and rules or constitution is not comply with the provisions of the ordinance and it's amendments a registrar can refuse the application for the registration. The registrar has full authority of

rejecting applications. In such instance aggrieved party may appeal against the refusal of registrar by filling a petition of appeal to The District Court within 30 days of refusal.

When go through the 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 a registered trade union. When the trade union is unregistered trade union the trade union, its officers and agents cannot take part in any trade dispute. The trade union is not capable of promoting, organizing or financing any strike or lockout. Also trade union will disperse and its fund will be disposed.

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.

#### **4.4. Unions of public officers**

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

##### **4.4.1. Special provisions regarding government sector trade unions**

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

When comparing the status of public sector employees and private sector employees 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. Another difference is that government sector trade union can have only two outsiders as officers. But private sector trade unions can have up to 50% outsiders as officers. Furthermore 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.

#### **4.5. Industrial Dispute Act No 56 of 1999**

Industrial Dispute Act (Amendment) No 56 of 1999 has given more rights to trade unions in Sri-Lanka. When go through the amendment, any employer shall not ask a workman to join or renounce joining any trade union as a condition of his employment. Not only that, but also, 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 do not has the right to dismiss a workman due to employees' membership in trade union or engaging in trade union activities. Under the Industrial Dispute Act (Amendment) No 56 of 1999 employer is not capable of give any word to an employee for the purpose of forbidding employee from

becoming a member of trade union. All the employers under this legislation are not allowed to prevent employees from establishing a trade union or supporting trade union by financial or other mean. They are not permitted 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 under this legislation.

According to the ILO Convention No 87(1948) constitutes the right for workers and employers to establish and join organizations of their own choosing without previous authorization. Both 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 done by the relevant authorities, 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) explains that worker representatives in an undertaking shall enjoy effective protection against, including dismissal based on their status or activities as a workers representative or on union membership or participation in union activities.

## 5. Findings of the Research

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, 25(63%) of the respondents are male while 15(37%) of the respondents were female as mentioned in the table. This means, that there were more male compared with female who has taken place in this study.

	Variable	N	Percentage
Gender	Male	33	82.5%
	Female	7	17.5%

**Table 1: Gender of Trade Union Members**

In this research employees education level is crucial to analyze since this research focused on employee knowledge on labor laws – respected to strike actions. When consider about education level of employees majority of respondents has passed their A/L. It is 57.5% from the whole sample. From the sample, 20% of employees had passed their O/L education and 7.5% of respondents have done their postgraduate degree. 15% of respondents have completed their degree.

Variable		N	Percentage
Education	Up-to O/L	8	20%
	Up-to A/L	23	57.50%
	Up-to Degree Level	6	15%
	Up-to Postgraduate Level	3	7.50%

**Table 2: Education Level of Trade Union Members**

Another important factor to analyze is that the economical level of the respondents. 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.

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%

**Table 3: Salary Level of Trade Union Members**

This part discusses answers for multiple choice questions related to strike actions that researcher asked from trade union members. These questions were asked to analyze the level of knowledge of trade union members respected to strike action.

	Frequency	Percentage (%)
Correct Answer	33	82.5%
Incorrect Answer	7	17.5%
Total	40	100.0%

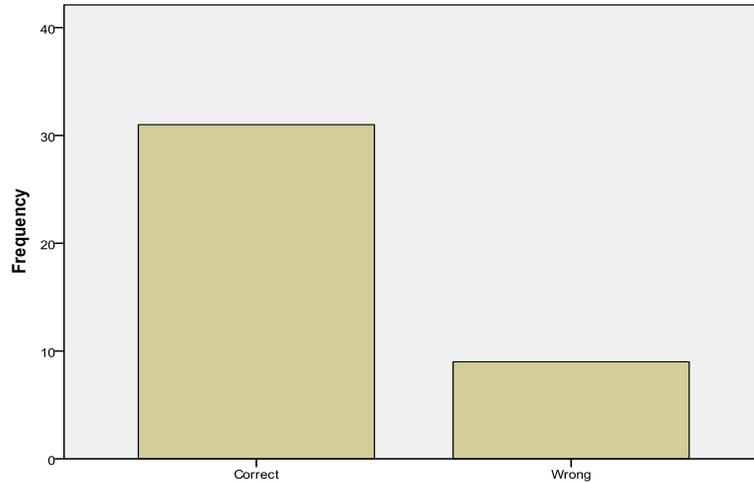
**Table 4: Correctness of the Question related to the meaning of the term "Strike"**

According to the answers given by respondents 82.5 % ( 33) of respondents' answers are correct while 17.5 % ( 7) respondents' answers are incorrect. This means, 82.5%(33) respondents are knowledgeable on what is the meaning of the term "strike" while 17.5%(7) trade union members are not knowledgeable on what is the meaning of the term strike.

	Frequency	Percentage (%)
Correct Answer	31	77.5(%)
Incorrect Answer	9	22.5(%)
Total	40	100.0(%)

**Table 5: Correctness of Question related to in which instances trade union members cannot engage in trade union actions**

These responses of trade union members indicate that, 77.5%(31) members are knowledgeable on which instances trade union members cannot engage in trade union actions while 22.5%(9) respondents' answers are incorrect. It means 22.5 % (9) respondents are not knowledgeable in which instances that trade union members cannot engage in strike actions. Trade union member's answers given for this question can be shown as following chart.

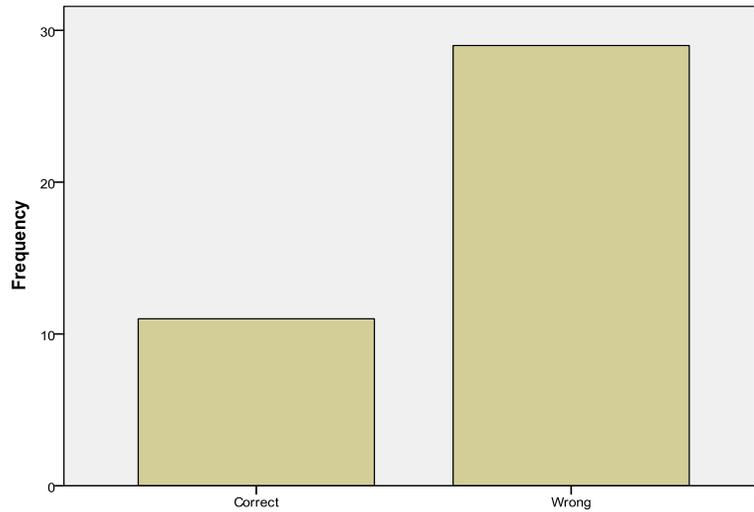


**Figure 1: Correctness of Question related to in Which Instances Trade Union Members Cannot Engage in Trade Union Actions**

	Frequency	Percentage (%)
Correct Answer	11	27.5(%)
Incorrect Answer	29	72.5(%)
Total	40	100.0(%)

**Table 6: Correctness of Question Related to Acts Governing the Strike Actions in Sri-Lanka**

According to the respondents' answers for the multiple questions related to acts governing strike actions in Sri-Lanka, only 27.5%(11) of trade union members are knowledgeable on what are the laws governing strike actions in Sri-Lanka though they are taken strike actions often. Majority, it means 72.5 %( 9) trade union members are not knowledgeable on what is the law governing strike action in Sri-Lanka. Trade union member's answers given for this question can be shown as following chart.



**Figure 2: Correctness of Question Related to Trade Union Members Question of the Acts Governing the Strike Actions in Sri-Lanka**

When trade union members are given a question to analyze their knowledge on salary entitlement during strike action, only 50 %( 20) employees are knowledgeable on their salary entitlement during a strike action. It means 20(50%) respondents from the whole sample are not aware of salary entitlement during a strike action. This can be shown in following chart.

	Frequency	Percentage (%)
Correct Answer	20	50.0%
Incorrect Answer	20	50.0%
Total	40	100.0%

**Table 7: Correctness of Question Related to Salary Entitlement during Strike Action**

Following chart indicates the correctness of question related to who cannot engage in strike actions in Sri-Lanka

	Frequency	Percentage (%)
Correct Answer	28	70.0%
Incorrect Answer	12	30.0%
Total	40	100.0%

**Table 8: Correctness of the Question Related to Who Cannot Engage in Strike Actions in Sri-Lanka**

These data represent the trade union members' knowledge on who can engage in strike actions in Sri-Lanka. Data indicate that 70%(28) of trade union members are knowledgeable on that who cannot engage in strike actions in Sri-Lanka while 30% (12)trade union members are not knowledgeable of it.

	Frequency	Percentage (%)
Correct Answer	33	82.5%
Incorrect Answer	7	17.5%
Total	40	100.0%

**Table 9: Correctness of the Question of Legal Offences Related to Strike Actions**

Trade union members knowledge level of legal offences related to strike actions can be shown as above table. It indicates that, 82.5 %( 33) of respondents are knowledgeable on legal offences related to strike actions in Sri-Lanka. However 17.5 %( 7) trade union memberships are not aware of legal offences related to strike actions.

### Discussion and Findings

To maintain felicitous employer and employee relationship, it is vital to keep sound and hefty employer and employee relationship. Not only employer, not only employee both of these employer and employee has a major role to play in maintaining industrial relations. Today, employees use trade unions as an intermediary partner to solve their problems in industrial environment. However, in contemporary period employees are taking aggressive trade union actions to gain their demands. One of them is that, strike actions. Since it is vital factor to evaluate that, are the employees going to trade union actions with the knowledge of labor laws respected to strike actions.

Opatha (2012) converses that commonly employees are not highly educated people and there are many rules, regulations, legislations, theories and practices which relate to industrial actions that majority or almost workers are not aware. This study also unveils that trade union members are not much knowledgeable on labor laws with respected to strike actions. Lakmini(y.n.m) describes that, in Sri-Lanka there is a low level of education about trade union laws and activities. According to her, it is visible in foundation level among the formal sector employees. This study reveals that, trade union members have less level of knowledge on labor laws with

respected to strike actions. Finally this study describes that trade union members don't have sufficient knowledge on labor laws when they are going to a strike action. Hence it is significance to enhance employees' knowledge on labor laws when they are seeking for a strike action. If not, they would be guilty of legal offences related to strike actions under Sri-Lanka legislations.

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