

‘A Collective Voice must be Raised for Plantation Workers’

Ceylon Workers Red Flag Union

This Tribunal is horrified and shocked by the stark realities of the lives of tea and rubber plantation workers. It has shocked the conscience of the members of the Tribunal that such practices could continue unabated in the modern civilised world. The Tribunal is moved by the heart-rending testimonies of the workers, especially the women workers.

This was what Justice A.P. Shah said in the judgment on the situation of workers, especially women workers in Sri Lanka at the concluding session of the Workers’ Tribunal.

The Workers’ Tribunal, a historic event held on 7 and 8 June 2024 in Colombo, was a platform by workers for workers to share testimonies on their conditions of service including working and living conditions, labour rights, and entitlements. 11 workers gave their testimonies and three union leaders made submissions. It was a space for workers’ voices to be heard by eminent judicial personalities and to consider the workers’ views on the conditions they work in, which have gone unacknowledged and unaddressed for decades, depriving them of their legitimate rights as workers in the tea and rubber plantations in Sri Lanka. This Tribunal was able to highlight plantation workers’ voices, and violations of their worker rights were heard nationally, regionally, and internationally.

The eminent [retired] judges included Justice A.P. Shah from India, Justice Shiranee Thilakawardane from Sri Lanka, and Justice Pawan Kumar Ojha from Nepal.

Background

For over three decades, the plantation Collective Agreement has substantively governed minimum wages, working conditions, and dispute resolution mechanisms for workers. With the withdrawal from the Collective Agreement by the plantation companies in 2019, the companies rejected any further discussions or

participation in worker problems with unions, engaged in union busting practices, and ramped up practices of informalisation or casualisation of labour.

The Ceylon Workers Red Flag Union (CWRFU) became engaged in intensive discussions with members during this time and recognised that these plantation workers’ livelihood and job security was endangered. In this situation, the union decided to convene a Workers’ Tribunal and provide an effective platform for workers to voice their grievances and demand dignity and justice.

The Tribunal strongly affirmed that all workers, including plantation workers, are human beings who are inherently, inalienably entitled to fundamental human rights.

The main recommendations of the Tribunal were as follows:

In respect of the wages of workers, the Tribunal recommended that the Wages Boards for Tea and Rubber Plantations review the current decision on minimum wage based on the concept of a living wage that sustains a decent standard of living for a worker and her family. In the meantime, the State must ensure that workers get the minimum wage of LKR 1700 proposed by the Government. It also strongly recommended that the Ministry of Labour enact legislation that is able to protect the tenure and sanctity of the Collective Agreement, and that does not allow any party to the agreement to easily exit from it with a mere one-month notice.

Regarding living and working conditions, the Tribunal recommended that the State stipulate minimum standards for working conditions specific to tea and rubber plantation workers, ensuring that all workers in the field have access to an adequate number of toilets with water facilities separately for women

and men, access to adequate, clean drinking water and water for washing, a safe and secure place for having food and rest, and for feeding infants, creche facilities, and first aid box with a trained person. Given the predominance of women workers, working conditions must address safety, sanitation needs vis-a-vis periods, facilities for rest and breast feeding for new mothers in the working environment, and recognition of domestic care work performed by women, and facilitate this through arrangements made in their workplace. The State must ensure an adequate standard of housing that includes adequate space for a family, running water, and a permanent structure. The government should ensure that workers are not evicted from their houses.

In respect of social security, the Tribunal ruled that the government should ensure that workers are covered by all government social safety mechanisms, and equality before the law and equal protection of the law for plantation workers as citizens of the country. All post-retirement benefits like Employees Trust Fund (ETF), Employees Provident Fund (EPF), as well as benefits like maternity benefits, should be calculated on the basis of the full wage of the workers.

With regard to issues of Occupational Health and Safety, the Minister in charge of Labour must take the lead in passing regulations specific to the plantation sector. This should include threats to workers from wild animals, insects such as wasps and leeches and reptiles, as well as chemicals they use during their work. This is especially true of women in their reproductive roles. The workers must be provided with personal protective equipment. The government may put down detailed rules and regulations along with actionable penalties and other consequences, including proper compensation. In addition, the government must set up a tripartite and independent monitoring system where women workers play a lead role in the monitoring process. Plantation

workers must be brought within the ambit of the public health system, which should be strengthened by adequate resources, including doctors and other trained medical personnel as well as adequate and appropriate medication.

The Tribunal expressed its dismay at the level and processes of casualisation and informalisation adopted in the plantation sector. The Tribunal ruled that the State respond proactively to such processes by protecting the labour rights of all workers, irrespective of their status. It is the duty of the government to reverse these processes of contractualisation and informalisation such as Revenue Sharing Model (RSM), bought-leaf system, buy back/buy bag system, plot land (*thundu-kani*), manpower etc. and ensure the health of the industries and the rights of the workers. The government should effectively implement the existing laws pertaining to the plantation sectors, like tea and rubber. Any gaps in the existing legislative provisions should be reviewed periodically and be revised in favour of the rights of workers. It is recommended that a law on the protection of the plantation workers be introduced, whereby an authority is established to receive complaints and proactively intervene in labour disputes. The Minister of Labour should ensure that appropriate legislative measures are taken to legally empower workers, create legal obligations on employers, and have legally enforceable rights and duties for a dispute resolution system. A legal aid scheme for workers pursuing labour disputes at higher forums must also be facilitated.

The Tribunal appealed to all trade unions to come together on the most basic issues facing plantation workers. The abysmal working and living conditions must be an urgent concern and a collective voice must be raised.

Kandy – 10.06.2024