

Rights@Work 4 Youth in Sri Lanka

Decent work for young people

ILO Country Office for Sri Lanka and the Maldives

FACILITATORS' GUIDE AND TOOLKIT

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Rights@Work 4 Youth in Sri Lanka: facilitators' guide and toolkit / International Labour Office, ILO Country Office for Sri Lanka and Maldives. - Colombo: ILO, 2015
168 p.
ISBN: 9789221302902 (print); 9789221302919 (web PDF)
ILO Country Office for Sri Lanka and Maldives
young worker / workers rights / working conditions / decent work / training of trainers
14.02.2

ILO Cataloguing in Publication Data

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Design by the International Training Centre of the ILO, Turin - Italy
Printed in Colombo, Sri Lanka.

Foreword

In Sri Lanka, as in most countries in the world, young people's knowledge of labour rights and responsibilities and labour legislation is limited. Irrespective of the actual provision of the legal texts, the familiarity with its contents is mostly due to on-the-job learning, conversation with peers or awareness raised through media or other -more or less institutionalised- channels. Against this backdrop, the ILO project "Support to Implement Youth Employment Policies and Coordinating for Youth Employment in Sri Lanka" engaged with the National Institute of Labour Studies to adapt an internationally used learning tool, the ILO guide "Rights@work for youth in Sri Lanka" to the Sri Lankan context.

Such adaptation, and its subsequent dissemination, is one element of the strategy to increase awareness of labour rights and responsibilities in the workplace amongst young people. The goal is to build national capacity whilst producing and disseminating material for trainers and the wide youth audience.

Sri Lanka has over 4.6 million young people and over 3.3 million of them are not yet employed. While the status of lower middle income country has been achieved, in order to attain the Sustainable Development Goals, which see decent work as a key objective, emphasis has to be placed on the quality of work and on respect of international and national labour standards. It is well recognized that one of the key paths to transforming such standards into practice is through a country's national law. Knowledge of such law is the primary element to ensure not only its respect but also harmonious industrial relations between the workers and the employers.

The ILO is thus proud to present this new and fitting tool that we believe will contribute to create the necessary awareness and legal education necessary to advance the agenda on Decent Work for all.

Mr. Donglin Li
Director, ILO Office for Sri Lanka and the Maldives

Acknowledgements

The present guide was produced with the support of the project ““Support to Implement Youth Employment Policies and Coordinating for Youth Employment in Sri Lanka”. The ILO collaborated with the Sri Lanka National Institute of Labour Studies to design and prepare a pedagogic instrument fully adapted to the national context and specificities. Indeed, some parts of the international Guide for cultural, legal, social or traditional reasons, do not automatically apply in the country and needed adaptation.

The Guide is based on the original work by Valli’ Corbanese and Gianni Rosas. Mr. Sarath Ranaweera, former Labour Commissioner, on behalf of the National Institute of Labour Studies, took care of including references not only to the international labour standards, but also to national Sri Lankan legislation. Essential support of Mr. Diego Rei, Chief Technical Advisor of the “Support to Implement Youth Employment Policies and Coordinating for Youth Employment in Sri Lanka” project is duly acknowledged.

As a complement to the contents of the Guide, readers and users are encouraged to check the trilingual website salary.lk which, in partnership with the ILO project “Support to Implement Youth Employment Policies and Coordinating for Youth Employment in Sri Lanka”, provides useful legal information and learning tools. For specific information regarding migrant workers, the reader is encouraged to consult the ILO’s supported Guide “Safe Labour Migration Information Guide” by the Sri Lankan Bureau of Foreign Employment.

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Abbreviations

EPF - Employees' Provident Fund - Act No. 15 of 1958.

ETF - Employees' Trust Fund - Act No. 46 of 1980.

EWYC - Employment of Women, Young Persons and Children Act No. 47 of 1956.

FO - Factories Ordinance No. 45 of 1942.

Gratuity - Payment of Gratuity - Act No. 12 of 1983.

ID - Industrial Disputes – Act No. 43 of 1950.

S&OE - Shop and Office Employees (Regulation of Employment and Remuneration) – Act No. 19 of 1954.

TEWA - Termination of Employment of Workmen (Special Provisions) – Act No. 45 of 1971.

TUO - Trade Unions Ordinance No. 14 of 1935.

WBO - Wages Boards Ordinance No. 27 of 1941.

WCO - Workmen's Compensation Ordinance No. 19 of 1934.

Introduction

Across the globe, young women and men are making important contributions to society as productive workers, consumers and citizens. The Resolution of the International Labour Conference “*The youth employment crisis: A call for action*”, adopted in June 2012, called for ensuring that young people receive equal treatment and are afforded the right work. It also requested governments to develop youth employment policies that take account of international labour standards. The Resolution also emphasized the need for increasing awareness about young workers’ rights, including through the integration of rights at work modules in the curricula of education and training institutions.

About the International Labour Organization (ILO)

The ILO is the specialized Agency of the United Nations responsible for establishing and overseeing international labour standards. It brings together representatives of governments, employers’ organizations and trade unions to develop labour standards and decent work policies. Led by its Director-General, the International Labour Office is the permanent Secretariat of the Organization that operates through a network of labour and employment specialists at its headquarters in Geneva and in more than 60 countries around the world.

The aim of this learning package is to support trade unions, employment services, education and training institutions, as well as youth organizations, in their initiatives aimed at raising young people’s awareness of their rights at work. The package consists of a Guide for facilitators and Toolkit that provide hands-on examples of recruitment practices and workplace situations. This material contains a number of individual and group activities, learning resources, a glossary and a summary of key international labour standards.

The facilitators can design their own workshops by tailoring the information and tools contained in this guide to the country-specific context. Annexes 3 and 4 of this package, offer a set of guidelines for facilitators to design, deliver and validate training workshops.

This package was developed by taking account of the extensive multi-country and multi-regional experience gained by the International Labour Office through the implementation of several technical cooperation programmes in Asia and the Pacific, Central and Eastern Europe, Latin America and the Caribbean, North Africa and the Middle East. Many of these programmes tested and developed activities to promote rights at work for youth and the principles contained in international labour standards. They enabled young beneficiaries to gain knowledge and understanding of their rights and entitlements in the world of work.

Mr. Sarath Ranaweera, former Labour Commissioner, designed and adapted, on behalf of the National Institute of Labour Studies, the general Guide to the Sri Lankan context. Specific reference to labour legislation, cultural and normative elements is included in the present edition.

The development of this package would have not been possible without the invaluable support of several ILO colleagues and the feedback of many young trade unionists that were involved in the pilot implementation of both the Guide and the Toolkit. We are grateful to Juliane Drews for her support on the collection of information and the review of material on rights at work, Mohammed Mwamadzingo of the ILO Bureau for Workers’ Activities and Milagros Lazo Castro for the useful feedback on various drafts of this package, as well as to Karen Naets-Sekiguchi of the ILO Department of Communication and Public Information. Special

thanks are due to Patrick Daru and Guillermo Dema for their feedback and supporting the piloting of the training package. For the current Sri Lanka version, essential support of Mr. Diego Rei of the International Labour Office is duly acknowledged.

Last but not least, the authors are most grateful to Brian Campbell – trainer of the Young Worker Awareness Programme of the Canadian Labour Congress, British Columbia Federation – for his useful feedback and for peer reviewing of the contents of this package.

How to use the Guide and Toolkit

Objective

The overall purpose of this training material is to provide a framework for facilitators to design learning sessions on rights at work. It seeks to help young workers identify their role in contributing to, promoting and maintaining fair and productive workplaces – a key objective for the development of their communities.

Usually, national labour laws define working conditions for young people as they enter the labour market. However, many young workers often lack knowledge of these laws and how they relate to their employment experiences. Hence this learning package is intended to provide them the information they need, so they can be better prepared to manage their first work experiences.

Target Audience

The activities in the Guide and Toolkit are designed for young people between the ages of 15 and 29 who are about to enter, or have recently entered, the labour market. No specific knowledge is required to attend the learning sessions. However, it will be necessary for participants to have basic literacy and numeracy skills.

Facilitator's Profile

The Guide and Toolkit are intended to be reference tools, not only for the staff of labour market institutions in charge of employment promotion, but also for trade unions, employment service advisors, school teachers and trainers, young leaders and peers.

The facilitator should be familiar with the basic rights at work in force in the country and be willing to acquire additional information about labour laws. He/she needs to be creative and have good facilitation and training skills. This is particularly important when tailoring the learning resources to the needs of young participants. The key role of the facilitator is to provide information and “know-how” in order to familiarize young workers with their basic rights at work.

Structure and content

The Guide is organized around six sessions – totalling approximately 13 training hours. The sessions can be split - up, lengthened or shortened to meet the objectives of the trainer/facilitator and his or her organization. Activities can be modified according to participants' learning styles, the availability of learning time and national laws and circumstances. Sessions can be organized as follows:

1. Overview of labour market trends for young people, decent work and fundamental principles and rights at work;

2. Key features of employment contracts;
3. Social security systems;
4. Conditions of work (e.g. wages, hours of work, leave);
5. Occupational safety and health issues, the identification of hazards in the workplace and measures to minimize risks;
6. Practical advice to young workers to help them manage conflict in the workplace and negotiate decent conditions of work.

Learning Strategy

This Guide focuses on improving young workers' knowledge of their rights at work. In addition, the activities offered herein can enhance a set of skills that help young people exercise their rights more effectively. More specifically, these activities help to:

- Collect, analyse and organize information (capacity to identify and present relevant information);
- Communicate (capacity to communicate effectively with others);
- Work in a team (capacity to interact with other people on a one-to-one basis and in groups, and to work as a member of a team);
- Solve problems (capacity to solve problems using critical thinking).

Activities

Each session identifies the learning objectives, individual and group activities and the approximate time needed for delivery. Facilitator's notes on both rights at work and the learning process are set out in the text.

The proposed activities are given as examples for the facilitator. Templates for individual and group exercises are appended to the Toolkit. As far as possible, facilitators should adapt the proposed examples and activities to respond to the national and local situation and, most importantly, to learning needs and styles of the participants.

The facilitator should point out at the beginning of the workshop, that the participants are in charge of their own learning and that most of the learning will essentially occur through practical activities. The purpose of each activity should be explained, not only in terms of the information the participant will acquire, but also in terms of the skills that the activity aims to foster and their possible application to workplace situations.

The facilitator should conclude each group activity with a debriefing session where participants are given the opportunity to share their experiences and impressions. At the end of the workshop, a validation of the learning activity should be carried out to obtain participants' feedback with a view to improve the delivery of future learning events. A template of the validation questionnaire is included in Annex 6.

The learning sessions can be enriched through the presence of local experts in different areas of employment. Trade union representatives, human resources managers from local companies, labour inspectors and young workers themselves have valuable experience to share. Securing their input and participation can make the workshop more relevant and enjoyable.

Sri Lanka

In order to complement and adapt the learning activities presented in the Guide, the facilitator should gather and organize information on the country's conditions of work such as minimum working age (i), working hours (ii), minimum wage (iii), social security arrangements (iv), as well as occupational health and safety rules. This information can be summarized on easy-to-read Rights@Work cards distributed during the workshops, with an example of how to design these cards is provided in the Toolkit. In addition, the collection and distribution of examples of employment contracts and payslips will give participants a better understanding of their entitlements (v). The text box below summarizes the main elements of the legislation relevant to Sri Lankan users and youth. Additional references have been included and further explanations are provided throughout the manual.

The Sri Lankan Context. General.

The text below is to be referenced to the Roman numerals in the text.

(i) Employment of Women, Young Persons and Children Act, 1956: "No child shall be employed in any occupation" (**Gazette No. 1116/5 of 26-01-2000**). According to the Act, a "child" is defined as a person under 14 years of age.

(ii) Wages Boards Ordinance, Sec: (2) - The number of hours constituting a normal working day is fixed by a Wages Board in respect of the trade for which it has been established. This number shall not, (a) where the duration of the interval or intervals specified by the board for meals, or rest on a particular day does not exceed one hour, be more than nine hours, (b) and where such duration exceeds one hour, be more than the aggregate of nine hours and the period by which such duration exceeds one hour or if such aggregate exceeds twelve hours, be more than twelve hours.

Shop and Office Employees Act, Sec: 3 (1) - Subject to the provisions of any regulation referred to in subsection (3) and provisions of subsection (5) the normal period during which any person may be employed in or about the business of any Shop or Office

- a) on any one day shall not exceed eight hours, and
- b) on any one week shall not exceed forty five hours.

Sec: 5 (1) - Every person employed in or about the business of any shop or office shall, in respect of each week, be allowed one whole holiday and one half-holiday. Such holidays shall be so allowed with full remuneration, if such person has worked for not less than twenty-eight hours exclusive of any period of overtime work, during that week.

S&OE specifies that:

- Working hours on any day is eight.
- Working hours on any week is forty -five.
- The Act also explains how to calculate the weekly holidays: one and a half days with pay, but the person should work not less than 28 hours excluding overtime..
- If the interval is one hour, then a normal working day cannot be more than nine hours. If the interval is more than one hour, then the normal working day reach up to twelve hours. For a special class of workers, the Wages Board may determine more than twelve hours to constitute a working day.

(iii) Wages Board Ordinance, Sec: 20 (1) - In respect of the trade for which it is established, a Wages Board shall, be subject to the provisions of subsection (3), determine a minimum rate of wages for time worked (hereinafter referred to as “a general minimum time-rate”) and may also determine all or any one or more of the following rates of wages:

- a) a minimum rate of wages for piece work (hereinafter referred to as “a general minimum piece-rate”)
- b) a minimum time-rate to apply in the case of workers employed in piece-work for the purpose of securing for such workers, a minimum rate of remuneration on a time-work basis (hereinafter referred to as “a guaranteed time-rate”);
- c) a minimum rate (whether a time-rate or a piece-rate) to be applied in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by workers (hereinafter referred to as “an overtime rate”).

WBO specifies that:

The rate of payment for time work is called “general minimum time rate”. For piece - work the rate is called “general minimum piece-rate”. For piece rate workers to ensure a minimum rate of pay on time work basis is called “guaranteed time-rate”. An “overtime rate” for both types of workers could be fixed.

(iv) Employees’ Provident Fund Act, Sec: 10 (1) - An employee to whom this Act applies shall, in respect of each month during which he works in a covered employment be liable to pay to the Fund a contribution of an amount equal to eight percent of his total earnings **(2)** Subject to the provisions of sub section **(3)** of this section and section 27, the employer of an employee to whom this Act applies and who is liable to pay contributions to the Fund shall, in respect of each month during which such employee is in a covered employment under such employer, be liable to pay to the Fund on or before the last day of the succeeding month, a contribution of an amount equal to twelve percent of such earnings from the said employment during the said month.

Employers’ Trust Fund, Sec: 16 (1) - The employer of every employee to whom this Act applies shall, in respect of each month during which such employee is employed by such employer, be liable to pay in respect of such employee, to the fund on or before the last day of the succeeding month, a contribution of an amount equal to three percent of the total earnings of such employee from his employment under such employer during the said month.

EPF requires that:

For the EPF, an employee's contribution is eight percent of his/her total earnings. The employer should contribute twelve percent and remit twenty percent of the total earnings to the EPF Department of the Central Bank of Sri Lanka before the last day of next month.

For the **Employees' Trust Fund**, only the employer will contribute three percent of the employee's total earnings and remit to the **ETF** Board before the last day of the next month.

(v) Shop and Office Employees Act, Sec: 17 (ii) - a remuneration record containing the following particulars, for each period (month, fortnight or week, as the case may be), hereinafter referred to as the remuneration period, in respect of which remuneration is paid:- (a) Name of the employee; (b) Age; (c) Sex; (d) Class or grade, if any; (e) Category or designation or occupation; (f) Remuneration period (month, fortnight or week); (g) Number of hours of work performed during the remuneration period; (h) Number of hours of overtime work performed during the remuneration period; (i) Rate of remuneration payable; (j) Allowances payable (each allowance to be shown separately) (k) Gross remuneration earned for the remuneration period; (l) All deductions made from the gross remuneration (each deduction to be shown separately); (m) All advances made out of the remuneration during the period; (n) Contributions made by the employer and employee respectively in respect of the remuneration period, to any pension or provident fund (o) The amount of balance remuneration paid and the date of payment (p) The total amount of overtime remuneration paid in respect of each remuneration period; (q) The amount recovered under the Income Tax Ordinance or under any other written law or order of court; (r) Acknowledgement of the employee in proof of receipt of net remuneration. Every record referred to in paragraph (i) shall be kept up to date by the employer.

S&OE requires that:

The pay slip should include items (a to r). It is mandatory for employers to keep the salary ledgers up to date and preserve same for a period of four years.

The text of the Guide refers to a number of Conventions of the International Labour Organization (ILO). A list of these Conventions, organized by subject, can be found in Annex 1, which also provides a short summary of the provisions explicitly stated in these Conventions. The core international labour standards can be summarized by using coloured cards and posted on the wall. An example of how to prepare these cards is available in the Toolkit. If the country where the training activity is taking place has ratified any of the labour standards presented in Annex 1, the relevant text should be available in the national language. The facilitator can obtain copies of ILO Conventions in the national language, either from the ministry in charge of labour and employment or from the trade unions. Some countries also post a version of the ILO Conventions in their national language(s), on the internet. Further information can be obtained directly online from the ILO website www.ilo.org.

The facilitator should also provide young workers with the contact address, telephone number, email and web addresses of institutions and organisations that can provide information on workers' rights and offer advice on how to ensure that rights are respected. These institutions include trade unions, employment services, labour inspectorates, equal opportunities commissions, employers federations, labour dispute settlement bodies and occupational safety and health authorities.(vi) Finally, before presenting the workshop, it is suggested that the facilitator:

Sources of information for the learning sessions

- International Labour Office (www.ilo.org)
- For Sri Lanka, information on the general labour legislation and specific information pertaining to youth is available online at www.salary.lk. the trilingual (E,S,T) website
- For Sri Lanka, to obtain specific information regarding migrant workers, the reader is encouraged to consult the ILO's supported guide "Safe Labour Migration Information Guide" by the Sri Lankan Bureau of Foreign Employment.
- Information on ILO Conventions is available online at:
<http://www.ilo.org/ilolex/english/convdisp1.htm>.
- The key indicators of the labour market is a comprehensive data base of country-level data on 18 key indicators of the labour market from 1980 to the latest available year. Accessible online at: http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm.
- The Database of Conditions of Work and Employment Laws provides a picture of the regulatory environment of working time, minimum wages and maternity protection in more than 100 countries around the world. Accessible online at: <http://www.ilo.org/dyn/travail/travmain.home>.
- The Global Database on policies for youth employment (YouthPOL) contains information on policy measures targeting youth, as well as those with an indirect impact on the employment of young people. Accessible online at: <http://www.ilo.org/youthpol>.
- National labour ministry's regional or local offices.
- Trade union offices or local labour councils. For an online list of International Trade Union Confederation affiliates see: http://www.ituc-csi.org/IMG/pdf/no_03_-_list_affiliates_-_010213.pdf.
- National or local business organizations. For online contacts of national affiliates of the International Organization of Employers go to: <http://www.ioe-emp.org/ioe-members/>. For Sri Lanka, contact Employers Federation of Ceylon.

1. Go through the Guide and the Toolkit to review the topics and activities proposed, identify which sections need to be adapted and prepare learning resources to be used during the workshop;
2. Gather the required information on national labour legislation;
3. Develop a plan for each session, highlighting the objectives, content, activities and learning resources (an example of a session plan is provided in Annex 5);
4. Review the Glossary of Terms appended in Annex 2 to screen those that are most relevant for the learning workshop to be conducted.

During the workshop, the facilitator should note participants' comments and utilize them to prepare or adjust sessions and activities for future workshops accordingly.

The Sri Lankan Context – General

(vi) This information could be obtained from: the Factories Division and the Occupational Hygiene Division of the Department of Labour, and the National Institute of Occupational Safety and Health (NIOSH) under the Ministry of Labour.

MOST RELEVANT LABOUR LEGISLATION OF SRI LANKA

- **Employees' Provident Fund - Act No. 15 of 1958**
An Act to establish a Provident Fund for the benefit of certain classes of employees.
Act Nos. 16 of 1970, 8 of 1971, 24 of 1971, 26 of 1981, 1 of 1985, 42 of 1988, 14 of 1992
- **Employees' Trust Fund - Act No. 46 of 1980**
An Act to provide for the establishment of a Fund called the Employees' Trust Fund.
Act Nos. 03 of 1982, 47 of 1988, 18 of 1993
- **Maternity Benefits Ordinance - No. 32 of 1939**
An Ordinance to make provision for the payment of maternity benefits to women workers and for other matters incidental to the employment of such women before and after their confinement.
Ordinance No. 35 of 1946 Act Nos. 26 of 1952, 06 of 1958, 24 of 1962, 01 of 1966, 13 of 1978, 52 of 1981, 43 of 1985.
- **Shop and Office Employees (Regulation of Employment and Remuneration) – Act. No. 19 of 1954**
An Act to provide for the Regulation of Employment, hours of work and remuneration of persons in shops and offices.
Act Nos. 60 of 1957, 28 of 1962, 05 of 1966, 26 of 1966, Law No. 07 of 1975, Act Nos. 12 of 1978, 53 of 1981, 36 of 1982, 32 of 1984, 44 of 1985
- **Wages Boards Ordinance No. 27 of 1941**
An Ordinance for the regulation of the wages and other employments of persons employed in trades, for the establishment and constitution of Wages Boards.
Ordinance Nos. 40 of 1943, 19 of 1945, 05 of 1953, 27 of 1957, 27 of 1962, 23 of 1966, 24 of 1966, 10 of 1978, 10 of 1980, 36 of 1982
- **Industrial Disputes – Act No. 43 of 1950**
An Act to provide for the prevention, investigation and settlement of Industrial Disputes.
Act Nos. 25 of 1956, 14 of 1957, 62 of 1957, 04 of 1962, 27 of 1966, 37 of 1968, 39 of 1968, Law No. 53 of 1973, Act Nos. 32 of 1990, 56 of 1999, 11 of 2003, 21 of 2008
- **Factories Ordinance No. 45 of 1942**
An Ordinance to make provision for the safety and welfare of workers in factories.
Ordinance No. 22 of 1946, Act No. 54 of 1961, Law No. 12 of 1976, Act Nos. 32 of 1984, 18 of 1998, 33 of 2000, 19 of 2002
- **Payment of Gratuity - Act No. 12 of 1983**
An Act to provide for payment of Gratuity by Employers to their workmen, for the amendment of the Land Acquisition Act. The Land Reform Law, and the Industrial Disputes Act.
Act Nos. 41 of 1990, 62 of 1992

- **Employment of Women, Young Persons and Children - Act No. 47 of 1956**
An Act to regulate the Employment of Women, Young Persons and Children.
Act Nos. 32 of 1984, 08 of 2003, 24 of 2006
- **Termination of Employment of Workmen (Special Provisions) – Act No. 45 of 1971**
An Act to make special provisions in respect of the Termination of the services of workmen in certain employments by their employers. Law No. 04 of 1976, Act Nos. 51 of 1988, 12 of 2003, 20 of 2008
- **Trade Unions Ordinance No. 14 of 1935**
An Ordinance to provide for the Registration and Control of Trade Unions.
Act Nos. 15 of 1948, 18 of 1958, 24 of 1970
- **Workmen's Compensation Ordinance No. 19 of 1934**
An Ordinance to provide for the payment of compensation to workmen who are injured in the course of their employment
Act Nos. 31 of 1957, 22 of 1959, 04 of 1966, 15 of 1990, 10 of 2005
- **Service Contract Ordinance No. 11 of 1865**
An Ordinance to amend and consolidate the law relating to Servants, Labourers, and Journeymen, Artificers under contracts of Hire and Service.
Ordinance Nos. 16 of 1884, 16 of 1905, 23 of 1912, 41 of 1916, 43 of 1921, 27 of 1927
- **Holidays Act No. 29 of 1971**

Session 1 Youth and work

Learning objectives

By the end of this session participants will be able to:

- List the key features of their country's youth labour market;
- Identify fundamental principles and rights at work;
- Define “decent work”.

Delivery time

- 120 minutes

Activities

- Fair workplaces
- Flexibility at work: what are the pros and cons
- Two Cs: Exploring labour market disadvantages
- Say no to discrimination!
- Decent work millionaire

Introduction

The beginning of this first session should be aimed at introducing participants to the overall objectives of the workshop and helping the facilitator “get a feel” for the audience. Examples of “ice-breaking” activities are provided in the Toolkit. Participants also need to be introduced to the learning sequence (the number and content of sessions and the expected learning outcomes) and to the strategy to be adopted during the workshop, i.e. “learning by doing.”

The core part of the session aims to discuss the main barriers faced by young workers in entering the labour market and introduce fundamental principles and rights at work, including the concept of decent work. Throughout this session, the facilitator will support the activities with substantive information on the labour law in force in the country and core international labour standards of the ILO.

ILO CONVENTIONS (The core International Labour Standards)

Freedom of Association and Collective bargaining

- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to Organise and Collective Bargaining Convention, 1949

The standards enshrined in Convention N. 87 (Freedom of Association and Protection of the Right to Organise) and Convention N. 98 (Right to Organise and Collective Bargaining), envisage the right of all workers and employers to form and enjoy organizations of their own choice, protect against anti-union discrimination and promote collective bargaining.

Forced Labour

- C29 Forced Labour Convention, 1930
- C105 Abolition of Forced Labour Convention, 1957

These standards prohibit the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political views, labour discipline, punishment for participation in strikes and discrimination.

Elimination of Child Labour and Protection of Children and Young Persons

- C138 Minimum Age Convention, 1973
- C182 Worst Forms of Child Labour Convention, 1999

The minimum age for admission to employment shall not be less than the age of completion of compulsory schooling (C138-Minimum Age Convention). There are specific provisions for the immediate elimination of the worst forms of child labour (e.g. slavery, prostitution, trafficking). Such prohibition applies to all children under the age of 18 (C182-Worst Forms of Child Labour).

Equality of Opportunity and Treatment

- C100 Equal Remuneration Convention, 1951
- C111 Discrimination (Employment and Occupation) Convention, 1958

Convention N.100 (Equal Remuneration) and Convention N.111 Discrimination in Employment and Occupation) prohibit discrimination in access to employment, training and other conditions of employment on grounds of race, colour, sex, religion, political opinion, national extraction or social origin. The objective is to promote equality of opportunity and treatment, and equal pay and benefits for work of equal value.

Facts on young workers

When entering the labour market for the first time, young people often face a number of difficulties (lack of work experience, education credentials not aligned to employer's requirements, limited number of jobs available). Once employed, they typically have less tenure than older workers and are more likely to lose their job if the enterprise runs into trouble. Often they have to accept any job merely to gain work experience and increase their chances of finding a better one later on. Unfortunately, this can sometimes force them into a situation of working for low wages under difficult conditions. Even when young workers are aware of their rights, they often fail to claim those rights for fear of being fired and/or being stigmatized as troublemakers. (vii).

The facilitator should initiate a discussion on youth employment by listing the different situations that can be encountered by new entrants in both the national and local labour markets. A non-exhaustive list of the information that needs to be collected is provided below and can be found in the quarterly and/or annual Labour Force Survey that is usually conducted by the national labour statistical institute or agency. If the country does not conduct such survey, the facilitators may refer to other statistical sources, such as the census data or the labour market information collected by the Public Employment Service (viii). Proportion of youth (between 15 and 24 (29 for Sri Lanka) years of age, or according to the national definition)¹ in the total population;

- The estimated number of young people in Sri Lanka employed and unemployed (compared to adults)²,
- Young people employed by the economic sector (agriculture, industry and services) and occupation (managers, technicians, clerks, service workers, etc)³,
- Conditions of work (hours of work, part-time/full-time, permanent/temporary employment, wages)⁴,
- Estimated number of young people working in the informal economy⁵.

Information on the number of young people working in the informal economy is often scarce, unavailable or simply non-existent. The facilitator should endeavour to locate at least some estimates on informal employment and provide participants with examples of informal work, for instance, working in the evening in a pub, with no contract and no fixed hours of work. This information can also be used to identify the most disadvantaged groups of young workers in the labour market (see Session 3).

2 Some countries, including Sri Lanka, extend the international definition of "youth" to the age of 29.

3 As a general reference, in the first quarter of 2015, 17.2% of the 15-19 years old resulted unemployed, against 37.6% of the 20-24 years old and 18.7% of the 25-29 years old. For the 30+ age group, the unemployment rate was 1.6% (Source: 2015, first quarter, Quarterly report of the Sri Lanka labour force survey, Department of Census and Statistics, Ministries of policy planning economic affairs, child youth and cultural affairs). Also note that, amongst youth, young girls and youth living in rural and estate areas show, on average, a higher unemployment rate than their counterparts.

4 As of the first quarter of 2015, across Sri Lanka, about 30% of the labour force is employed in agriculture, 26% in Industry and 44% in Services. (Source: 2015, first quarter, Quarterly report of the Sri Lanka labour force survey, Department of Census & Statistics, Ministries of Policy Planning Economic Affairs, Child Youth and Cultural Affairs)

5 As a general reference, it is safe to say that about 30 percent of young salaried workers is employed in informal (unregistered) enterprises, while over 60 percent of them is in informal working agreements, not enjoying- in principle- social security or formal legal protection (Source: ILO estimate)

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(vii) However, if the worker finds a job, which falls into any trade governed by a Wages Board, the minimum statutory requirements under such Wages Board will have to be observed by the employer.

(viii) Please refer the Department of Census and Statistics of Sri Lanka or the Statistics Division of the Department of Labour. (1) Annual Bulletin 2014, Department of Census and Statistics/ Labour Force: highlights-2014. (2) Quarterly report of the Sri Lanka Labour Force Survey – 2014 - 4th quarter and 2015 – 1st quarter

Activity 1.1

Fair workplaces

Young workers should be given the opportunity to reflect on what they already know about the labour market. Activity 1.1 is designed to promote discussion about fair treatment of workers and allow the facilitator to have a general idea of the young workers' knowledge on their rights. This can be done by asking them (in pairs or small groups) to answer – based on their previous work experience the question “*What is a fair workplace?*” Those who have neither had a job nor looked for work can use the experience of a friend or a family member. A list of other questions that the facilitator can ask from participants is provided in the Toolkit (Session 1).

Rights@Work Cards: Before conducting the activity, the facilitator should create a set of Rights@Work cards summarizing the key labour provisions in force in the country. An example on how to prepare “Rights@Work Cards” is appended in the Toolkit (Session 1). These cards can be posted on the wall of the workshop room or on flip-charts as the learning activity progresses. This will allow participants to have at their fingertips all the rights at work discussed during the sessions. The information to be summarized follows the content of the Guide (e.g. *minimum age for employment, hours of work, minimum wage, annual holiday* (ix). This information can be found in the national labour law, in the occupational health and safety regulations and/or in Collective Agreements (x). The facilitator should also contact the trade unions, which may have information material (e.g. booklets, brochures and leaflets) on workers' rights.

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(ix) See **Shop and Office Employees Act, Sec: 6 (1)** - (a) Annual holidays are explained in detail in (xvi) on page 23 of this Guide

(x) **Industrial Dispute Act, Sec: 5 (1)** - Here, “Collective Agreement” means an agreement which is (a) between (i) any employer or employers, and (ii) any workmen or any Trade Union or Trade Union consisting of workmen, and (b) which relates to the terms and conditions of employment of any workman, or to the privileges, rights or duties of any employer or employers or any, workmen or any Trade Union or Trade Unions consisting of workmen, or to the manner of settlement of any industrial dispute.

(2) Reference shall be made in the collective agreement to the parties and Trade Unions to which, and the employers and workmen to whom, the agreement relates.

Flexibility and the changing labour market

Over the past few years, employment and conditions of work have changed considerably. Labour markets have become increasingly flexible.⁶ This brings both advantages and disadvantages to employers and workers alike. On the one hand, labour market flexibility can enable enterprises to react faster to changing market requirements, while giving workers opportunities to better balance work with family and other responsibilities. On the other hand, flexibility may bring job insecurity.

A flexible labour market has several defining characteristics:

- **Flexible employment patterns** – Both in terms of flexible hours of work and a flexible use of skills in the workplace. Such scenarios are, however, not commonplace in Sri Lanka.
- **Ease and cost of hiring and firing workers** – In many countries, labour law reforms now make it easier to hire and fire workers. Although this allows enterprises to increase or decrease the number of employees according to production requirements, it can also mean less security for workers.(xii)
- **Switch to shorter-term employment contracts** – In many industries, workers are increasingly offered short-term and/or limited duration contracts instead of permanent or unlimited duration ones. In Sri Lanka, this is generally utilized for seasonal work.
- **Greater flexibility in pay arrangements** – This means that part of the total pay package is linked to enterprise performance (productivity and/or company profits). In some industries, the pay package may also reflect the differences in regional demand and supply of labour. In Sri Lanka, there exists various types of incentive payments.
- **Location flexibility** – Employers expect their workers to move within and across different regions as part of their career development. Such agreements do not frequently take place in Sri Lanka, although flexibility to travel may be a requirement for certain industries.

The facilitator can use the aforementioned list and the terms and definitions related to flexibility listed in Box 1.1 to initiate a short discussion on the impact of changing labour markets on young workers. He/she can then introduce Activity 1.2., which covers the pros and cons of labour market flexibility.

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(xii) Termination of Employment of Workmen Act Sec: 2 (1) - No employer shall terminate the scheduled employment of a workman according to the (Special Provisions) Act, No.45 of 1971 without: (a) the prior consent in writing of the workman; or (b) the prior written approval of the Commissioner of Labour.

TEWA specifies that:

An employer cannot terminate a workman whose contract falls under any of the aforementioned legal instruments S&OE Act, WBO, FO without the consent of the workman or the approval of the Commissioner of Labour. These are the only scheduled employments provided under TEWA.

⁶ The flexibility of a labour market might be defined as its ability to adapt and respond to change (Rubery and Grimshaw, 2003).

Box 1.1 Flexibility terms

Annual-hours contracts: A way for enterprises to reduce the amount spent on overtime. People are employed for a fixed amount of hours per year, i.e. they are paid the same amount each month regardless of the number of hours worked. When production increases, employees work longer hours and when production decreases their hours are reduced. Contracts of this nature are non-existent in Sri Lanka.

Compressed hours and flexible working weeks: Involves compressing the working week so that the same hours are worked over fewer working days (four days instead of five, for instance), and workers can enjoy a longer period of rest). This can help recruitment and reduce over-time, but it can lead to fatigue if working days are too long. Contracts of this nature are non-existent in Sri Lanka.

Fixed-term contract: A contract of employment that starts and expires on specified dates. In Sri Lanka, contracts of this nature are utilized for professionals, experts or project oriented employment.

Flexitime: Employees are free to vary their daily hours of work within a specific range, provided that they are on the premises during certain core hours (for instance from 10:00 a.m. until 4:00 p.m.). This enables workers to arrive later on some days, and to work later in the evenings while respecting an agreed average number of hours per day or week. It is mostly used for office staff below managerial levels. Contracts of this nature are non-existent in Sri Lanka.

Job sharing: A form of part-time work where two people share the same full-time job. There is often an agreement that if one is sick or on holiday, the other will do the absent one's share of the work as well. Contracts of this nature are non-existent in Sri Lanka.

Multi-skilling: Workers are trained to carry out a range of tasks. This increases flexibility within the workforce. If there is a need to increase the numbers of people working on particular processes, this can be easily done by assigning other workers to these tasks. Contracts of this nature are not common in Sri Lanka.

Part-time work: Any work performed for fewer hours than defined by a national threshold, often around 35 hours a week. Part-time workers enjoy the same rights as full-time workers with regards to pay and working conditions. One exception however, under the EPF Act, is part-time teachers who do not enjoy the EPF benefits.

Temporary work: Workers are employed for a specific period of time only and may even include work performed on a month-to-month basis. Contracts of this nature are utilized for covering up work of a permanent employee, until he/she resumes work perhaps after maternity leave, or in order to complete some special work urgently.

Activity 1.2

Flexibility at work: pros and cons?

This activity is designed to introduce participants to the key features of a flexible labour market, as well as its advantages and disadvantages, particularly for workers.

The facilitator should divide the participants into two groups, instructing each to discuss the pros and cons of each specific form of employment for both workers and employers. Participants should record their answers on two separate flip-charts (one for workers and one for employers) that are separated into “pros” and “cons” columns. The toolkit provides an example on how to design this activity for part-time and temporary work.⁷

Rights@Work cards: Prior to the session, the facilitator should research the most common forms of flexible employment among young workers in the country (for instance part-time or temporary work) and prepare Rights@Work cards that summarize the provisions of the Labour Code. An example of Rights@Work Card content for part-time work can also be extracted from Box 3 (Session 2).

At the end of the activity, the facilitator should mention the rules governing the forms of flexible employment discussed and post the relevant Rights@Work Cards on the wall or on a flip-chart. Additionally, he/she can introduce the concept of flexicurity as a response to the needs changing labour markets are facing. On the one hand, enterprises must adapt to technological advances and master new skills and production techniques in order to be in the forefront of these developments. On the other hand, workers need sufficient security to plan their lives and careers with support to make it through all these changes and stay in employment. This is where flexicurity comes into play.

Informal employment

The term “informal economy” refers to all economic activities undertaken by workers and economic units that are – in law or in practice – not covered, or are insufficiently covered, by formal arrangements. Informal employment, therefore, includes⁸:

- Own-account workers and enterprises where: (1) the size of the enterprise is below a specified level expressed in the number of workers engaged, **(xiii)** (2) the enterprise is not registered according to national legislation and/or (3) employees are not registered for social security contribution purposes. **(xiv) (xv)**
- Workers who are otherwise in an employment relationship that is not subject to national labour legislation, income taxation, social protection or does not give workers certain entitlements, for example advance notice of dismissal, although in Sri Lanka, there is no explicit contractual obligation with regard to the latter - severance pay **(xv)**, paid annual leave **(xvi)** or sick leave, etc.)

⁷ More examples and the presentation of different national practices can be found online at <http://www.ilo.org/public/english/protection/condtrav/infosheets/index.htm>. These information sheets also list the advantages and disadvantages that these changes bring to employers and workers.

⁸ Other categories of workers such as contributing family workers, own-account workers engaged in the production of goods for their household and members of informal cooperatives are also considered to be informally employed. See ILO, Resolution on the measurement of employment in the informal sector, adopted by the Fifteenth International Conference of Labour Statisticians (ICLS), Geneva, 1993, and Guidelines concerning a statistical definition of informal employment, adopted by the Seventeenth ICLS, Geneva, 2003.

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Workers in the informal economy often face poor workplace conditions and poverty. Some of the characteristic features of informal employment are low earnings, lack of protection, lay-offs without notice or compensation, unsafe working conditions and the absence of social security benefits such as pensions, sick pay and health insurance.

Because young people are typically more likely to be more engaged in casual work, with weaker employee-employer relationships, the incidence of informal employment among young workers – and thus their inability to participate in social insurance schemes – tends to be higher than that of adults. In general young workers are over-represented in the informal economy.

Despite their greater exposure to risk and income insecurity, the vast majority of informal economy workers are deprived of social security coverage. In developing countries, workers that are not in formal enterprises with an explicit contract are generally not covered by law by labour-based social insurance. This is the case for the self-employed who represent a large proportion of informal economy actors who are not covered most of the time. The growing number of “dependant” workers where the employment relationship is unclear, ambiguous or hidden is another category excluded from social insurance coverage. In addition, some labour laws and social security legislation do not cover enterprises numbers of employees under a certain threshold, thereby leaving these workers unprotected by statutory social insurance. In other cases even where the laws exist it may not be applied, excluding de facto workers from their labour rights. (xvii). This is the case, for example, for wage workers without contract in formal enterprise (undeclared workers), who represent a relatively high share of total informal employment in middle income countries.

The facilitator should prepare some examples of common forms of informal employment that can be found in the country where the workshop is being held– for instance, street vendors, home-based workers, and young workers engaged in unpaid family farming or on a casual basis in the construction, tourism and personal services industries. The national trade unions and the Labour Inspectorate can provide figures and information on the economic sectors more likely to employ workers informally to be used as a basis to develop realistic examples.

To conclude this session, the facilitator should emphasise that although young people generally face more difficulties than adults in the labour market, there are some groups' of young people who, due to their personal characteristics and circumstances, are more disadvantaged. Box 1.2, below, offers some examples of factors that may place certain young people at greater risk than others.⁹

⁹ OECD, *Social disadvantage and educational experiences*, OECD Social, Employment and Migration working papers, No 32, 2006

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(xiii) Gratuity Act, Sec: 5 (1) - Every employer who employs or has employed fifteen or more workmen on any day during the period of twelve months immediately preceding the termination of the service of a workman in any industry shall, on termination, pay to that workman a gratuity computed in accordance with the provisions of the Act within a period of thirty days of such termination.

(xiv) Employees' Provident Fund Act, Sec: 8 (2) (b) - To treat as not being a covered employment or to disregard – (i) employment under a person who employees less than a prescribed minimum number of employees; **EPF Regulation(15): Order under Sec:10 (3)**. Employment in the service of any charitable institution or any institution maintained solely for the purpose of religious worship or social service being an institution or organization, employing ten (10) or more persons are required to contribute towards the fund and (ii) employment of a person in the service or for the purposes of the trade or business, or as a partner, of that person's spouse. (2) Every person employed in any covered employment other than (a) a person holding the office of Director in respect of his employment has such Director, (b) a person who is a partner in any partnership in respect of his partnership (bb) a person who is employed under any local authority and for whom superannuation benefits or benefits on termination of employment are provided under any Provident Fund or Pension Scheme established under any other written law, (c) a person who is employed in a managerial, executive or technical employment & for whom superannuation benefits or benefits on termination of employment are provided under any provident fund [or pension scheme or any other fund or scheme, established or administered outside Ceylon and (d) the person who is employed outside Ceylon, for the purpose of such employment but who is not ordinarily resident in Ceylon, shall be an employee to whom the Act applies.

Accordingly, we see that there are several employees who are not covered under the **EPF Act** and its provisions: (i) if the number of people working for an employer/company is below a certain threshold like charitable, religious and social service organisations employing less than ten employees. Further, domestic servants, private car drivers and those employees working for dumb, deaf and blind institutions are also excluded from **EPF** coverage. (ii) Business partners, a person's spouse, Directors of companies or any person, if employed under any local authority, employees holding managerial executive or technical positions in Sri Lanka and having super annuation schemes available for them in their mother countries, (iii), any employee working for a Sri Lankan company/enterprise and who is ordinarily not a resident of Sri Lanka would also be excluded.

(xv) Termination of Employment of Workmen Act, Sec: 6D - Any sum of money to be paid as compensation to a workman on a decision or order by the Commissioner under this Act, shall be computed in accordance with such formula as determined by the Commissioner, in consultation with the Minister, by Order published in the *Gazette*.

TEWA specifies that:

In case of loss of employment due to no fault of the employee, the Commissioner may order compensation according to a compensation package that is termed "formula for the payment of compensation".

(xvi) Shop and Office Employees Act, Sec: 6 (1)(a) - In respect of the first year of employment during which any person has been continuously in employment in or about the business of any shop or office, such person shall be entitled to take and shall take – (i) where his employment commences on or after the first day of January but before the first day of April, a holiday of fourteen days with full remuneration (ii) where his employment commences on or after the first day of April but before the first day of July, a holiday of ten days with full remuneration; (iii) where his employment commences on or after the first day of July but before the first day of October, a holiday of seven days with full remuneration (iv) where his employment commences on or after the first day of October a holiday of four days with full remuneration, and the employer shall allow such holiday and be liable to pay such remuneration, and the employer shall allow such holiday and be liable to pay such remuneration.

The S&OE specifies the manner how the annual holidays must be computed. If employment commenced in the 1st quarter within the period :

January - March, the employee is entitled to fourteen days Annual holidays in the following year.

April - June, the employee is entitled to ten days Annual holidays in the following year.

July - September, the employee is entitled to seven days Annual holidays in the following year.

October - December, the employee is entitled to four days Annual holidays in the following year.

These holidays are allowed with pay.

(xvii) Termination of Employment Workmen Act, Sec: 3 (1) - The provisions of this Act, shall not apply (a) to an employer by whom less than fifteen workmen on an average is employed during the period of six months preceding the month in which the employer seeks to terminate the employment of a workman

TEWA indicates that:

The Act will not apply if the employer had less than fifteen workmen during six months prior to termination of the employment of workmen, i.e. if the enterprise was too small.

Box 1.2 Risk factors in the labour market

Risk factors in the labour market are normally grouped into external (general) factors and internal (individual) factors.

- *Household/family:* When household income is higher, young people are more likely to attend and complete school, gain higher qualifications and join the workforce. Women who become mothers when adult are more likely to raise children who get more and better education which, in turn, raises the children's employment prospects later on.
- *Education/school:* Low education levels are strongly associated with social disadvantage and poverty: many young people with low educational attainment come from families characterized by poverty and disadvantage. Education has been shown to significantly raise labour market earnings and employment probabilities and to impact significantly on health and a range of other outcomes.
- *Geography:* The condition of the economy in the region/area of residence influences the probability of finding employment, with young workers in urban areas usually experiencing higher earning and higher employment rates, compared to rural workers. However, certain countries experience the reverse situation, with unemployment rates much lower in rural areas due to the prevalence of survival agriculture, and with large urban areas more likely to expose young workers to unemployment, underemployment and marginalization.
- *Labour market:* Youth employment is particularly affected by the strength of the economy. Young people tend to experience more unemployment than other age groups in weak economies. Periods of long unemployment early in the working life are often harbingers of future unemployment and earnings. For some young people, engagement in temporary and casual work early in life is associated with increased vulnerability, whilst for others it represents a foot forward into the labour market.
- *Individual:* Behavioural problems and attention difficulties in school may predict later problems such as early departure from school and failure to gain qualifications. Health problems (such as HIV/AIDS) make it more difficult to be steadily employed, although it is not clear how much of this is due to discrimination and how much is due to actual physical limitation. Young persons with disabilities often have limited access to mainstream education and may, as a consequence, suffer lower employability. In addition, and depending on the type of impairment, young workers with disabilities may need workplace and/or equipment adaptation. If these costs are high, it may limit recruitment opportunities for these young workers. Teen pregnancy is strongly associated with early school leaving and lack of qualifications, while sex *per se* may or may not have an impact on employment prospects. Other risk factors might stem from an individual worker's identification with an ethnic or linguistic minority or his/her status as a migrant or refugee.

Activity 1.3

Two Cs: Exploring labour market disadvantages

If time is available at the end of this session, the facilitator should organize a group activity aimed at encouraging participants to summarize what they have learned about the negative factors that have an impact on employment prospects for young workers.

Participants are divided into two teams. Each team is asked to create a detailed list of aspects associated with labour market disadvantages. These are: 1) *Challenges* (obstacles young people face, such as the inability to find formal jobs), and 2) *Characters* (the individual characteristics of young people associated with disadvantage). Two participants are appointed to act as referees: one will be responsible to keep-time the various tasks and the other to act as “traffic warden”. Each team is provided with a flip-chart headed with one of the two “Cs”, and each team is asked to gather information from members of the other team. The teams have five minutes to plan how they are going to gather responses from other participants on the “C” assigned to them, five minutes to go around the room and interview members of the other team, to collect information on their team’s task, and five minutes to organize the information gathered on their flip-chart.

At the end of the teams’ presentations, the facilitator should discuss with participants common themes, differences, surprises and missing items and then draw linkages between the two flip-charts. An example of how to design this kind of group activity is provided in the Toolkit.

International Labour Standards

International labour standards—adopted by governments, employers and workers during the annual International Labour Conference—take the form of Conventions and Recommendations. International Labour Conventions are international treaties and subject to ratification by ILO member States. Recommendations are non-binding instruments that set out guidelines to help orient national policy and action.

Countries that ratify Conventions are expected to adapt national legislation according to the principles included in international labour standards. National labour law may go beyond the standards set by ratified ILO Conventions, but cannot legislate less. Accordingly, these standards establish minimum guidelines about how young people enter the work force, and their conditions of employment (e.g. minimum age of employment, pay, working time, night work and medical examinations, occupational safety and health, and labour inspection).¹⁰

Whether or not a country has ratified a particular ILO Convention, the standard provides guidance for the operation of national labour institutions and establishes good labour and employment practices. Thus, international labour standards have an impact on both national laws and practices that goes well beyond simply adapting legislation to the requirements of a ratified Convention. Usually, ratified Conventions are transposed into national law (they may be found in the constitution, labour law, social security code, and industry safety regulations).

¹⁰ ILO, *Rules of the Game: A brief introduction to International Labour Standards*, Geneva, revised edition 2009. Information on all ILO Conventions can be found online at <http://www.ilo.org/ilolex/english/convdisp1.htm>.

Box 1.3. Fundamental Principles and Rights at Work

Eight Conventions in four areas have been identified as the cornerstone of the ILO's Declaration on Fundamental Principles and Rights at Work, adopted by its member States in 1998. The Declaration enshrines the commitment of governments, employer' and worker' organizations to respect and promote these principles and rights in the areas of freedom of association and effective recognition of the right to collective bargaining; elimination of all forms of forced labour, effective abolition of child labour; and elimination of employment discrimination. Unlike Conventions, the Declaration does not need to be ratified by individual countries, but instead applies automatically to all the member States of the ILO.

Rights@Work Cards: The facilitator should summarize these fundamental principles and rights at work on *Rights@Work Cards* to be posted on walls or on flip-charts. An example is provided in the Toolkit (Session 1).

For more information go online: <http://www.ilo.org/declaration/lang--en/index.htm>.

The facilitator should emphasize the importance of the international labour standards and Fundamental Principles and Rights at Work. This can be done by initiating a discussion on discrimination—either while looking for a job, while employed or upon leaving a job. Discrimination is present when a worker, in spite of his/her ability to fulfil the requirements of the job, receives less favourable treatment because of his/her sex, age, race, ethnic origin, sexual orientation, disability or religion. **(xviii)** Discrimination places a person in a situation of disadvantage compared to others; diminishing his/her access to employment and career opportunities, as well as to equality of treatment in the workplace. Different treatment does not necessarily indicate a violation of labour standards. For instance, differences based on the actual requirements of a job are not considered discrimination. Being a man or a woman, for instance, may be a legitimate requirement for certain jobs in the performing arts or elsewhere. Differences in remuneration that reflect the level of education attained or prior work experience are also legitimate.

This discussion can be complemented by Activity 1.3

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(xviii) The Constitution of the DSRSL under Fundamental Rights, Sec.12 (1) states that no citizen can be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any similar grounds.

Activity 1.4

Say no to discrimination!

To raise awareness of discriminatory practices and show young workers how to identify discriminatory practices, the facilitator may ask participants – grouped in pairs – to review a number of real-life situations to determine whether discrimination is present and, if so, for what reasons. During the activity, the facilitator should encourage participants to specify any additional examples of discrimination in recruitment and/or employment that they are aware of or have experienced.

This activity may be used as stand-alone exercise or be merged with the activity *Decent Work Millionaire*.

Young people and work

To conclude the activity, the facilitator should provide information on the institutions that are responsible for enforcing equality legislation, for example, the labour inspectorate, and the civil rights or equal opportunities commission.

Rights@Work cards: Facilitators should prepare *Rights@Work Card* listing the forms of discrimination that are prohibited by national legislation and post them on the wall or flip-chart at the end of the activity.

Decent Work

The youth employment challenge is a growing concern worldwide. Young people are on average three times more likely to be unemployed than adults. In general, in developing countries, the majority of young workers are unemployed or poor as they earn less than the equivalent of US\$2 per day. Young workers are also disproportionately represented in low-paid work (e.g. work that pays less than two-thirds of the median wage). **(xix)**

The youth labour force participation rate has been decreasing in the last years, mainly due to rising numbers of youth attending education. In many countries, though, discouragement also plays a role: many young people stop searching for a job simply because they have lost all hope. In some countries of Europe and Latin America—many young people are neither in education nor in employment or training (NEETS). This group of young people mostly includes school dropouts, as well as young people from poor and challenged families and socio-economic backgrounds that diminish their chances of employment and integration.

Compared to adults, young workers are more likely to have only temporary contracts, which may hinder their access to benefits accorded to employees with longer periods of contribution, such as unemployment benefits. When a young person is exposed to prolonged periods of temporary contracts, their contributory position and their capacity to plan for the future is reduced (*C102, Social Security, Minimum Standard* and *C157, Maintenance of Social Security Rights Convention*). Fixed-term contracts also increase the pressure on employees to prove themselves to be above average in order to have their contracts renewed.

To counteract these practices, the ILO promotes the concept of *Decent Work* as opportunities for people to obtain productive work in conditions of freedom, equity, security and dignity. Decent work includes opportunities for productive work that delivers a fair income, security in the workplace and social protection, better prospects for personal development and social integration, freedom for people to express their concerns, to organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all.¹¹

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(xix) Minimum wage policy under the **Wages Boards Ordinance No.27 of 1941, Sec: 2 (a)** - Any minimum rate of wages determined in any decision of a Wages Board (1) in respect of any trade may consist of - (i) a basic rate, and (ii) a special allowance at a rate to be adjusted, the Wages Board may direct, to accord with the variation in the cost of living index-number applicable to workers in a particular trade.

¹¹ See online : <http://www.ilo.org/decentwork>

Box 1.4 Decent work for all

Work is central to people's well-being. In addition to providing income, work can pave the way for broader social and economic advancement, strengthening individuals, their families and communities. Such progress, however, relies on decent work. Decent work sums up people's aspirations in their working lives.

The Decent Work concept was formulated by the ILO's constituents – governments and employers and workers – as a means of identifying the Organization's major priorities. It is based on the understanding that work is a source of personal dignity, family stability and peace in the community, democracies that deliver for people, and economic growth that expands opportunities for productive jobs and enterprise development. Putting the Decent Work Agenda into practice means the implementation of the ILO's four strategic objectives, with gender equality as a cross-cutting objective:

Promoting Jobs – an economy that generates opportunities for investment, entrepreneurship, skills development, job creation and sustainable livelihoods.

Guaranteeing rights at work – to obtain recognition and respect for the rights of workers. All workers, and particularly disadvantaged or poor workers, need representation, participation, and laws that uphold their interests.

Extending social protection – to promote both inclusion and productivity by ensuring that women and men enjoy working conditions that are safe, allow adequate free time and rest, take into account family and social values, provide for adequate compensation in case of lost or reduced income and permit access to adequate healthcare.

Promoting social dialogue – Involving strong and independent workers' and employers' organizations is central to increasing productivity, avoiding disputes at work, and building cohesive societies.

In order to give young people the opportunity to become familiar with the concept of decent work from a practical perspective, the facilitator can introduce Activity 1.5

Activity 1.5. Decent Work Millionaire

This activity asks participants - in teams of three or four - to consider a number of work practices and to decide whether these can be considered decent or not.

Participants will be divided in teams. Each team will be given an equal amount of money and asked to select a spokesperson who will respond to the questions posed by the facilitator. As questions are posed, teams win or lose a specified amount for each right or wrong answer. The first team to make one million currency units wins the game. A list of questions is available in the Toolkit.

To decide whether the work practice is decent or not, participants are asked to draw on their prior or current work experiences, such as an internship, summer or regular jobs, or on the experience of friends, acquaintances or family members.

To better adjust the activity to national circumstances, the facilitator should research the most common decent work deficits that affect young workers in the country and adjust the situations to be proposed to

participants accordingly. This activity may also be used in Sessions 2 and 4 when discussing conditions of work. The decent work examples may also be expanded by drawing on the “*Say no to discrimination*” activity.

Topics for review and group discussion

- What are the broader implications of Decent Work when it comes to economic development and social progress? For instance, how can the advancement of decent work in a community or country advance living standards and business conditions? What specific elements of the Decent Work agenda do you think apply especially to young workers like yourselves?
- What are the four key areas addressed by the ILO’s Declaration on Fundamental Principles and Rights at Work? Why do you think these areas are emphasized by the international community? Which of the areas do you think are most relevant to young people, and why?
- Of the international labour standards we have discussed today, are there any that you think are not being applied as they should be here or in any other region of the world?
- What do you think are the best arguments in favour of more flexibility in the labour market? What is the best argument for reducing flexibility? Do you think that young workers are more vulnerable to any downsides of increasing flexibility than the rest of the working-age population? And is that a bad thing? Do you think there are ways to adjust flexibility schemes so that employers get the benefits they are seeking while workers are adequately protected?
- In addition to the negative impact on workers, how does discrimination affect society as a whole? What impacts do you think it has on the economy and the social framework of your country? What benefits do you think your community (or country) would see if discrimination could be sharply reduced or eliminated? Alternatively, what benefits have we seen as discrimination has been reduced? Do you think there can be conflicts in providing a fair workplace for young people while maintaining fairness for older workers? If so, how might they arise? And how can they be addressed?

Session 2 Employment contract

Learning objectives

By the end of this session participants will be able to:

- Define employment relationship;
- List rights and obligations of employees and employers;
- Identify the minimum requirements of an employment contract.

Delivery time

- 120 minutes

Activities

- Search-and-rescue mission: Better conditions of work;
- Understanding an employment contract: What I would like to know about the job;
- Wanted: Rights.... but not without responsibilities;
- You have more rights than you think.

Introduction

This session is aimed at providing a snapshot of the rights and duties of employees and employers in an employment relationship. Participants are also introduced to the questions to be asked when negotiating the terms and conditions of a job, and methods to deal with illegitimate demands. The final part of the session focuses on the key features of the employment contract and the different forms it may take.

Employment relationship

The employment relationship is the legal link between employers and employees. It exists when a person performs work or services under certain conditions in return for remuneration. It is through the employment relationship that reciprocal rights and obligations are created between the employee and the employer. It has been, and continues to be, the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security. In order to familiarize participants with the different types of employment relationship they may be engaged in, and the rights and responsibilities these entail, the facilitator should clarify terms such as “employee” (refer Annex 2: Glossary of Terms), “own-account worker” (refer Annex 2: Glossary of Terms), “self-employed” (refer Annex 2: Glossary of Terms), “contributing family worker” (No explicit description under the general Labour Law) and “apprentice” (refer Annex 2: Glossary of Terms). The definition of these terms can normally be found in the National Labour Code.

Employer: Employers are those who engage one or more people to work for them on a continuous basis as “employee(s)”. Their own remuneration is usually dependent on the profits made from the sale of goods and services produced by the enterprise. The employer is responsible for paying the relevant taxes and social security contributions calculated on the remuneration of the employee, and also sets the guidelines according to which the employee must perform the tasks assigned, generally called a job description (refer Annex 2: Glossary of Terms).

Own-account worker (or self-employed worker): The term “own-account worker” describes anyone who earns his/her living through business, contract or freelance activity. The remuneration of own-account workers is dependent upon the profits derived from the goods and services produced. Own-account workers make the operational decisions affecting their business alone or with their partners. They do not normally engage employees on a continuous basis (refer Annex 2: Glossary of Terms).

Contributing family workers: Contributing family workers are people who work for a member of the family or a relative, generally living in the same household. They usually receive no remuneration. Workers can also be regarded as contributing family workers when they do not live in the same household, but work without pay in an economic activity operated by a family member or a relative. Note that in the Sri Lankan context, at least legally such a person is not considered as a worker. He/she is called and known as a member of the same family.

Employee (full time and part time): Employees are those workers who hold a “paid employment job”. They are also called wage employees or wage workers. They are paid for their work in the form of wages and salaries. The salary paid to employees – contrary to that of own-account workers and employers – does not depend on the day-to-day revenue of the enterprise. Employees may work full-time (normally 8 hours per day, 40 hours per week) or part-time – that is, for a number of hours that is lower than the hours established for full-time work. Working part-time does not mean that the employee has fewer rights than a

full-time worker. To avoid misconceptions about part-time work and part-time workers' rights, the facilitator may call participants' attention to the part-time Rights@Work Card developed for the activity Flexibility at work: pros and cons. Box 2.1 below provides a summary of the rights that are generally afforded part-time workers.

Box 2.1 Rights at work of part-time workers

Part-time workers are those whose normal hours are less than those of comparable full-time workers. This means that they have the same type of employment relationship and are engaged in the same or a similar type of work or occupation as other workers in the enterprise.

Part-time workers have the same rights as full-time workers with regard to **(xx)**

- the right to organise and to bargain collectively; **(xxi)**
- occupational health and safety;
- discrimination in employment and occupation.**(xxii)**

They are also entitled to conditions equivalent to those of full-time workers in the fields of:

- social security -in Sri Lanka such entitlement is secured.
- maternity protection -in Sri Lanka, if the worker's employment is of a casual nature, she is not entitled for maternity benefits.
- termination of employment -in Sri Lanka, the worker should be covered under the TEWA.
- paid annual leave, public holidays, and sick leave-in Sri Lankan Labour Law, entitlement for sick leave is not specified.

Under the Sri Lankan labour law, the entitlements may be determined in proportion to the hours of work or earnings, as compared to full-time workers, although such proportionality is not explicitly stated.

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(xx) According to the **EPF Act, Gazette No. 14,936 of Dec. 11, 1970, Sec: 24** - employment in the service of any educational, tutorial institution in the capacity of part-time employees is not covered.

(xxi) Industrial Disputes (Amendment) Act of Act No : 56 of 1999, Sec: 32A - Unfair Labour Practices - No employer shall- (a) require a workman to join, or refrain from joining, any trade union, or to withdraw from, or to refrain from, withdrawing from, his membership of a trade union of which he is a member, as a condition of his employment; (b) dismiss a workman by reason only of his membership of a trade union or of his engaging in trade union activities;

(xxii) According to the Constitution of the DSRSL, under Fundamental Rights, Sec.12(1) – No citizen can be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds.

Apprentices, trainees and interns: Apprentices, trainees and interns are those workers who hold explicit or implicit contracts of paid employment, which specify that all or part of their remuneration should be in the form of training for a trade or profession. Their rights and responsibilities are different from those of workers, as the scope of these forms of work is learning and training for a job. Apprentices work primarily to gain knowledge and acquire skills. Therefore they are not allowed to use any equipment or machinery for which they have not yet been trained to use and are not allowed to carry out certain tasks without supervision. Apprentices and trainees usually have the right to have a mentor/instructor with whom they learn (xxiii). If the apprenticeship or traineeship also includes classroom-based lessons, there are special provisions for balancing school and work time by restricting working hours on school days. Internship refers to the practice whereby students spend a period of time in an enterprise to learn about the job that interests them and to observe different job-related tasks. Interns may also do some practical work, but under the responsibility of the school/educational institution that organized the internship.

The Sri Lankan Context - Employment Contract for Trainees.

(xxiii) Employment of Trainees (Private sector) Act No. 8 of 1978. Without prejudice to any scheme of training of, or to the employment of, apprentices in any other law, an employer or workmen in the private sector may enter into a contract of training with any trainee for such period not exceeding one year as may be determined by the employer, for the purpose of providing practical training to the trainee in any vocation, specified in **Column I of the Schedule.Trainees No.8 of 1978**. The employer shall, at the conclusion of the period of training, provide employment to the trainee in a vocation specified in Column I of the Schedule, for which he has been trained or in the alternative find him other suitable employment.

This statute requires that:

The training period should not exceed one year. At the end of the training period, the employer should provide employment to the trainee or in the alternative find him suitable employment.

Box 2.2 Agency workers

(xxiv) If a young worker is getting work through an agency, he/she may be treated as an employee of the agency (although this is unlikely), or self-employed, or employed by the organisation he/she work for. There are special rules pertaining to how agency workers pay tax and national insurance contributions and about how to decide whether they are employees or self-employed. The facilitator should research how this form of employment operates at national level and advice young workers in this situation who to contact if they have any queries.

Rights@Work Cards: the rules governing these forms of work differ from country to country, and they are particularly relevant to young workers since they are the ones who tend to fill these positions. The facilitator may wish to prepare *Rights@Work Cards* with the relevant definitions taken from the Labour Code in question and encourage participants to discuss the differences between the types of work young people may do.

International labour standards for employment relationships.

The body of laws and national rules governing the employer-employee relationship, including individual employment contracts, the right to organize and negotiate collective bargaining agreements, protection from discrimination, wages, hours of work and health and safety, constitutes the *Labour Law* of a country. As already mentioned, the Conventions of the ILO establish a minimum floor of entitlements for workers. If a country ratifies a Convention, its provisions need to be translated into the national labour law. The national labour law may go beyond the standards set by the ratified ILO Conventions, but it cannot grantless.

In addition to the provisions of the labour law, in many countries the terms of workplace relationships are established in *Collective Bargaining Agreements* that are based on negotiations (collective bargaining) carried out between one or more employers (or an organization of employers) on the one hand, and workers' represented by one or more trade unions, on the other (see Box 2.3). These agreements bind the signatories and those workers on whose behalf the agreement is concluded.

Box 2.3 Employers' and workers' organizations

Employers' organizations are institutions set up to organize and advance the collective interests of employers. They are crucial to ensuring that the working environment is conducive to competitive and sustainable enterprises that can contribute to economic and social development. Employers' organizations are a critical component of any social dialogue process, which can help to guarantee that national, social and economic objectives are properly and effectively formulated and enjoy the support of the business community they represent.

Trade unions are organizations based on membership of workers in various trades, occupations and professions, whose major focus is the representation of their members in the workplace and in the wider society. Trade unions seek to advance workers' interest through the process of rule-making and collective bargaining.

For more information on Employers' and Workers' organizations see online: <http://www.ilo.org/actemp> and <http://www.ilo.org/actrav>.

Collective bargaining agreements can specify working conditions that go beyond the labour law. This means that working conditions in certain economic sectors and/or industry may be better than the standards established by the labour law. Collective agreements also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces. (xxv)

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(xxiv) Wages Board Ordinance, Sec: 59 - (A). Special provisions are applicable where persons are employed to do work on arrangement made by way of trade for any commercial purpose

WBO indicates that:

There are possibilities to outsource labour or production, i.e. by sub – contracting work or services or manufacturing of goods and articles, through outside contracts. Note that restrictions apply as regards the payment of EPF and earned wages.

(xxv) For the year 2013, of the 33 Collective Agreements that have been signed 28, were registered with the Department of Labour. In 2014, 45 Collective Agreements were signed and 30 registered with the Department. In 2015 January, out of 33 Collective Agreements, 24 were in the Industrial Sector, eight in the Services sector, and one in the Agricultural Sector. Signing of a Collective Agreement means, the employer and the trade union reaches an Agreement, without the parties submitting same to the Commissioner of Labour. Registering a Collective Agreement means ensuring it is gazetted through the Commissioner of Labour, which then could be enforced by law.

Box 2.4 Freedom of association and the effective recognition of the right to collective bargaining

The freedoms to associate and to bargain collectively are part of the fundamental principles and rights at work of the ILO mentioned in Session 1 (C87 Freedom of Association and Protection of the Right to Organise Convention, 1948; C98 Right to Organise and Collective Bargaining Convention, 1949). Collective bargaining is a voluntary process through which employers and workers discuss and negotiate their relations, in particular terms and conditions of work. Collective bargaining has the advantage that it settles issues through dialogue and consensus rather than through conflict and confrontation. It promotes peaceful, inclusive and democratic participation of representatives workers' and employers' organizations. The right of workers and employers to establish their independent organizations is the basic prerequisite for collective bargaining and social dialogue. Enhancing the inclusiveness of collective bargaining and collective agreements is a key means for reducing inequality and extending labour protection.

Collective bargaining can only function effectively if it is conducted freely and in good faith by all parties. This implies:

- Making efforts to reach an agreement
- Carrying out genuine and constructive negotiations
- Avoiding unjustified delays
- Respecting the agreements concluded and applying them in good faith, and
- Giving sufficient time for the parties to discuss and settle collective disputes

The facilitator should emphasize the importance of collective bargaining as a fundamental right and key means through which employers and workers can establish fair wages and working conditions. The facilitator or should research some examples of industries where collective bargaining has granted workers better working conditions and terms of employment. This kind of research can be used to develop an activity (or assignment) where participants are asked to find out whether, in the area of work they have chosen, there are collective bargaining agreements granting better employment and working conditions compared to the labour standards set at national level (Activity 2.1).

Activity 2.1

Search-and-rescue mission: Better conditions of work

This exercise may be organized as a group activity or as an assignment. If the exercise is organized as a *classroom-based activity*, the facilitator should find copies of collective agreements recently concluded in various industries, national and branch-level trade unions can help in this regard. If these are not easily available, the facilitator can write short articles, such as those that might appear in a newspaper, about the negotiations between enterprises and workers on conditions of work. Examples are provided in the Toolkit. The participants' task is to "search" for those industries, or branches of industries, where negotiation/collective bargaining agreements between the social partners provided better conditions of work than those granted by the labour law.

If the activity is organized as an outside assignment, participants are provided with the names of contacts in national/branch-level trade unions, and are required to search for information on the collective agreements that apply to the economic sector, industry or occupation in which they have chosen to work or in which they are already working. The conditions of work for which participants have to "search and rescue" are those on wages (**xxvi**), hours of work, overtime pay (**xxvii**) and paid annual leave (**xxviii**).

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(xxvi) Wages Board Ordinance – Sec: 20 (1) In respect of the trade for which it is established, each Wages Board shall, subject to the provisions of subsection (3), determine a minimum rate of wages for time work (hereinafter referred to as “a general minimum time-rate”) and may also determine all or any one or more of the following rates of wages:

- a) a minimum rate of wages for piece work
- b) a minimum time-rate to apply in the case of workers employed in piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis ;
- c) a minimum rate (whether a time-rate or a piece-rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by workers

Shop & Office Employees Act: 3 (1) Subject to the provisions of any regulation referred to in subsection (3) and provisions of subsection (5), the normal period during which any person may be employed in or about the business of any Shop or Office - on anyone day shall not exceed eight hours, and (b) in anyone week shall not exceed forty five hours.

(xxvii) Shop and Office Employees Act - “overtime”, in relation to any employment or work, means employment or work in excess of the normal maximum period provided by under **section 3**; The period during which a person may be employed overtime in or about the business of any shop or office shall not exceed an aggregate of twelve hours in anyone week.

No person shall be employed overtime in or about the business of any shop or office, unless he is paid separately for such overtime work in respect of each hour, at a rate not less than one and one-half times the hourly rate of his ordinary remuneration. The remuneration payable for any part of an hour of overtime work done by him shall be determined in the proportion that part bears to the hour.

(xxviii) Wages Board Ordinance - Under the WBO, different boards for trade have decided on 21 days for annual holidays. Generally, it is decided as 14 days of annual holidays.

S&OE – Generally, 14 days is allowed as annual holidays subject to the conditions of continuous employment and the service period. This aspect described fully elsewhere in this Guide.

The WBO and S&OE indicate that :

(xxv) Each Wages Board will decide on a minimum rate of wages either per day or per month, when depending on time work it is called “general minimum time rate”. Similarly, the piece- rate will also be decided on the number of pieces produced by a worker and is called “general minimum piece-rate”. The guaranteed time rate is fixed to ensure a piece- rate worker earns the minimum time rate pay. The overtime rate will then depend on such rate of pay.

Overtime is defined as the work performed in excess of the normal period of employment. Such over-time hours should not exceed twelve hours in any week.

The S&OE (1) (d) – demonstrates how the annual holidays could be computed. If employment commenced within:

January – March, the employee is entitled to fourteen days annual holidays in the following year.

April – June, the employee is entitled to ten days annual holidays in the following year.

July – September, the employee is entitled to seven days annual holidays in the following year.

October – December, the employee is entitled to four days annual holidays in the following year.

These holidays are allowed with pay.

Rights@ Work Cards: The facilitator should prepare in advance *Rights@Work Cards* summarizing the basic provisions of the labour law on minimum wage, hours of work, overtime pay, annual leave and rest periods.

Rights and responsibilities

Being aware of, and understanding, the basic labour standards that govern the relationship between workers and employers allows recognizing whether an employer’s request ,either during the recruitment process or on the job,is legitimate or not **(xxix)**. In many cases, what the employer can and cannot ask for is easy to spot, such as making the recruitment of a young woman conditional on her promise not to get pregnant, or requiring a young worker to work all shifts falling on a Sunday as a condition for getting the job. In other cases, it is more difficult. For instance, can the employer deduct money spent for purchasing a work uniform from the worker’s wages? Or can the employer avoid paying overtime by compensating workers with paid days off instead? The facilitator needs to provide participants with some suggestions on how and where to find the information they need, for instance by contacting the trade unions or the public employment service) when they have doubts about the legitimacy of what they are asked to do at work.

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(xxix) The employer can legally deduct some specific sums from the worker's salary as specified by the:

Shop and Office Employees Act 129, part 2-18, 7: Any fine imposed on the employee by the employer in respect of any of the following acts or omissions:

- a) absence from work without a reasonable excuse,
- b) late attendance at work without a reasonable excuse,
- c) causing damage to, or causing the loss of goods or articles belonging to the employer,
- d) such damage or loss being directly attributable to negligence, wilfulness or default of the employee,
- e) slacking or negligence at work,
- f) sleeping on duty,
- g) wilful failure on the part of the employee to comply with any lawful order given to him in relation to his work,
- h) theft of goods or articles belonging to the employer, or fraud or dishonesty in connection with the employer's business,
- i) intoxication during working hours,
- j) wilful insubordination or wilful breach of discipline,
- k) incivility to any member of the public who attends the employer's premises for the transaction of business,
- l) malingering,
- m) interference with any safety devices installed in the employer's premises,
- n) distribution or exhibition of hand bills, pamphlets, or posters, not relating to his employment, inside the employer's premises, without the previous sanction of the person in charge of such premises,
- o) violation of instructions given for the maintenance of cleanliness in the employer's premises,
- p) smoking in any part of the premises where smoking is prohibited by the employer

Wages Board Regulation 1971, 2 (i), List B.

S&OE and WBO specify that:

The employer is authorized to deduct certain amounts from the employee's salary in case of misbehaviour. The employee in turn is called to maintain a certain standard to avoid such fines. One can interpret such standards as the actual responsibility that the law calls the employee to fulfill.

Note also that the fines cannot amount to more than five per cent of the total salary due for the period to which they refer to. The approval of the Commissioner is needed when the amount is higher.

To review the rights and responsibilities of employers and workers, the facilitator can propose the following activities:

Activity 2.2

Wanted: Rights....But not without responsibilities

In this activity, participants are divided into three groups, each with its own set of coloured cards (red, yellow and blue). On each set of cards, the facilitator will have written examples of the rights and responsibilities of both employers and workers, for example, “Receive instructions on job tasks” (more examples are provided in the Toolkit). Participants need to decide whether what is written in each card expresses a right or a responsibility and whether this is an employer’s or worker’s right/responsibility. Based on this, the team will place the card in the appropriate slot (rights or responsibility) of the flip-charts “employer”, and “worker”.

Activity 2.3

You have more rights than you think

This activity asks participants – divided into three groups– to discuss the case assigned to them, propose a possible solution, and prepare key points for negotiating with the employer. The Toolkit offers an example of cases that may be considered. However, the facilitator needs to check the suggested answers to the cases proposed with the provision of the national labour law. At the end of the activity, the teams are asked to present their case to other participants and to respond to questions and/or give counter-arguments. After each group presentation, the facilitator may also ask other participants what they would do in a similar situation.

Contract of employment

An employment contract exists when an employee and an employer agree to the terms and conditions of employment. Such contracts of employment do not necessarily need to be in writing, unless the national labour law requires it. However, the employee and employer may have not explicitly agreed on a contract per se, but the nature of their relationship is such that the existence of an employment contract is implied. The national labour law typically specifies when the key features of the employment relationship need to be put in writing and have to be signed by both the employer and the employee. In cases where a written contract does exist, an employee should always ask for, and keep, a copy, as this might help avoiding disagreements on terms and conditions of work **(xxx)**.

Generally speaking, the employment contract should contain, at a minimum, the following:

- Employer’s name and address;
- Employee’s name;
- Employee’s job title and job description;
- Place of work (or note that the employee is expected to work at different places);
- Pay (amount, composition and terms of payment);
- Hours of work; **(xxxi)**
- Starting date of the contract and date of expiration for fixed-term contracts;

Employment contract

- Holiday entitlement including how many days off workers are entitled to and what their holiday pay will be, if any; how much warning (notice) workers are entitled to if they are dismissed and how much warning they must give the employer if they want to leave the job (xxxii).
- The employment contract may also contain special provisions, especially if they differ from those envisaged by the basic labour standards in force in the country. Such provisions might affect annual leave, sick pay, paid national holidays (xxxiii) and weekly rest (xxxiv), overtime pay, (xxxv) notice period in case of termination, pensions and health insurance entitlements. *If the written contract does not specify these terms and conditions, this is because the provisions contained in the labour law and/or collective bargaining agreements automatically apply.*

A contract gives both employers and workers certain rights and obligations. The most common example is that workers have a right to be paid for the work they do and the employer has a right to give reasonable instructions to workers and for them to work at their job. These rights and obligations are called contractual terms. The rights that workers have under their contracts of employment are in addition to the rights they have under law. When there are terms negotiated between the employer and the employee that diverge from the labour law, these should be stated in the written employment contract. In any case, the terms and conditions of work cannot be lower than those granted by the labour law or collective agreement. For instance, the employer cannot grant less days of annual leave than that established in the labour law.

In order to better explain the basic requirements of an employment contract – and to clarify the rights and responsibilities that go with it – the facilitator should collect different examples of employment contracts available in various industries/economic sectors to be used during the workshop. Each country has its own standards and clauses for employment contracts, governed by the provisions of the labour law.¹² It is also useful for learners to see an example of the job description that usually accompanies the contract to better understand the relationship between the worker and the employers.

¹² If it is not possible to collect such examples, a model contract following the requirements of the United Kingdom can be created online at <http://www.businesslink.gov.uk/bdotg/action/stmtEmpLanding?r.l2=1074428798&r.l1=1073858787&r.s=sm&topicId=1075225309>

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(xxx) Shop and Office Employees Act. Regulation, Sec: 15 (1) - The particulars relating to the conditions of employment required to be furnished in terms of section 17 of the Act by an employer to the employee on the date of his employment shall include the following particulars :

The name of employee, designation and nature of the appointment. (b) The date on which the appointment takes effect. (c) The grade to which the person is appointed. (d) Basic remuneration and the scale of remuneration. (e) Whether remuneration is paid weekly, fortnightly or monthly. (f) Cost of Living Allowance, if any, and other allowances, if any. (g) (i) The period of probation or trial, if any, and the conditions governing such period of probation or trial. (ii) Circumstances under which the appointment may be terminated during such probation or trial. (h) (i) Conditions governing the employment. (ii) Circumstances and conditions under which the employment may be terminated. (i) Normal hours of work. (j) Number of weekly holidays, annual holidays, casual and privilege leave, which such person is entitled to. (k) Overtime rate payable. (l) Provision of medical aid, if any, by the employer. (m) The provision of and the conditions governing any provident fund, pension scheme or gratuity scheme applicable to the employment. (n) Prospects of promotion. (2) All such particulars as aforesaid duly authenticated by the signature of the employer shall be given in writing to the employee in the language with which he is fully conversant and the employee shall acknowledge receipt of such information on a duplicate to be retained by the employer.

S&OE prescribes in detail :

The requirements pertaining to the letter of employment, ie. letter of employment, contract of employment, service contract. It also states that the employer must sign and give the employee in writing a copy of the contract and the employee shall acknowledge receipt. The duplicate is to be retained by the employer.

(xxxii) Shop and Office Employees Act, Sec: 3 (1) - Subject to the provisions of any regulation referred to in Subsection (3) and provisions of Subsection (5), the normal period during which any person may be employed in or about the business of any Shop or Office -

- a) on any one day shall not exceed eight hours, and
- b) on any one week shall not exceed forty five hours.

Sec: 5 (1) Each person employed in or about the business of any shop or office shall, in respect of each week, will be allowed one full holiday and one half-holiday. Such holidays shall be so allowed with full remuneration, if such person has worked for not less than twenty-eight hours exclusive of any period of overtime work, during the particular week.

(xxxiii) Shop and Office Employees Act, Sec: 19 (1)(b) - Nothing in this paragraph shall in any way affect the period of notice or warning necessary under any provision of written law other than this Act for the termination of any contract. If on any date the employer terminates the employment of any employee or any employee terminates his employment, the employer shall, before the expiry of the second working day after that date, pay the remuneration due to the employee.

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(xxxiii) Shop & Office Employees Act, Sec: 7(2) - A person to whom the provisions of Subsection (1) apply may, notwithstanding, these provisions, be with the prior sanction of the Commissioner, employed for a normal period of employment on any day declared to be a holiday for the section, but in any such case that person shall instead be allowed a holiday with full remuneration on or before the thirty first day of December, next succeeding, or be paid remuneration for his employment on the day so declared to be a holiday at a rate which is double the rate at which such person is ordinarily remunerated for such employment on any day.

If an employee is called to work on a public holiday with prior sanction of the Commissioner, then that person shall be paid double the normal salary for that day or allowed a day off, with pay, before the succeeding 31st day of December. There are eight Public Holidays for private sector employees.

(xxxiv) Shop and Office Employees Act, Sec: 5(1) - Each person employed in or about the business of any shop or office shall, in respect of each week, be allowed one full holiday and one half-holiday. Such holidays shall be so allowed with full remuneration if such person has worked for not less than twenty-eight hours exclusive of any period of overtime work, during that week

(xxxv) No person shall be employed overtime in or about the business of any shop or office, unless he is paid separately for such overtime work in respect of each hour, at a rate not less than one and one-half times the hourly rate of his ordinary remuneration. The remuneration payable for any part of an hour of overtime work done by him shall be determined in the proportion that part bears to the hour.

S&OE specifies that:

The overtime rate is one and half times the hourly rate. i.e. monthly salary divided by 30 to obtain a day's wage then divide by eight to get the hourly rate, increase that by 1.5 or divide the monthly salary by 240 and increase by 1.5.

Activity 2.4 (A)

Mind the small print! Understanding an employment contract

This activity aims to familiarize participants with the terms and condition normally included in an employment contract. Participants should be given the opportunity to read a real example of an employment contract used in the country to understand what should be included and how it is set out. Activity 2.2(A) *Mind the small print* in the Toolkit provides an example to be used for training purposes, if a real sample is not available. Participants are asked – in pairs or small groups – to go through the sample employment contract and to identify its key terms and conditions.

Activity 2.4 (B)

What I would like to know about this job...

The facilitator may also wish to develop another activity by giving the participants the occasion to practice ways to obtain information during a job interview. For instance, the facilitator may ask participants to formulate questions they would ask a prospective employer about wages, hours of work and pay deductions, an example is provided in the Toolkit. Based on the questions formulated by participants, the facilitator should

list on a flip-chart the relevant terms and conditions of the contract. These terms and conditions can then be checked with those contained in the sample employment contract provided in the Toolkit (Activity 2.2(A) (*Mind the small print! Understanding an employment contract*)). The questions participants are likely to come up with include:

- Hours of work, days off and holiday time (What hours will I be working? Which days of the week do I get off? What about holiday time?);
- Pay (How much will I be paid? How and when will I be paid? What deductions will be made from my pay and for what?); (**xxxvi**)
- Tasks of the job (What are my duties? To whom should I report?);
- While processing the results of the exercise, the facilitator should remind participants that an employment contract does not need to list all the terms and conditions that apply to the employment relationship. For example, issues such as the probation period, dismissal and severance pay, are usually mentioned in the provisions of the labour code and the collective agreement.

Rights@Work Cards: The facilitator can summarize the terms and conditions not explicitly governed by the employment contract in *Rights@Work Cards*. Box 2.3 below provides an example of this.

Box 2.3 Special clauses and terms

Probation period: During this trial period, both the employer and the employee have the right to end the employment contract without complying with the notice period. Usually, the probation periods do not exceed three months and no reason needs to be given for dismissal during this period. During the probation period, workers may not have the same rights as regular employees. For example, they may not take paid annual leave. Note that, generally in the Sri Lankan context, trial workers have the same rights as a regular employee.

Period of notice and dismissal: Both employers and employees, when wishing to end an employment relationship, have to observe a period of notice. The notice period may vary according to the length of service. Employees have the right to have a written statement naming the reasons for dismissal, normally within two weeks. Many countries also require redundancy payments, when enterprises have to dismiss workers due to loss of production or restructuring. Redundancy payments are lump sums that vary from worker to worker depending on length of service and average salary. In Sri Lanka, the duration of the notice period is not specifically stated in the Labour Law. .

Changes in the terms of the contract: The worker must be informed (often in writing) when changes are made to the terms and conditions of the employment contract. Often, such changes only come into effect when the worker agrees to them.

The Sri Lankan Context - Employment Contract

(xxxvi) Shop & Office Employees Act, Sec: 19 - (1) (a). an authorized deduction with the consent of such person provided that the aggregate of the deductions made at any one time shall not exceed sixty *percent* of the due remuneration.

Wages Board Ordinance – Sec 2 - The aggregate of the deductions so made, at any one time, shall not exceed - (i) seventy- five percent of the wages due, in the case of a worker in any trade specified by the Minister for the purposes of this paragraph by Notification published in the *Gazette*; and (ii) Fifty percent of the wages due, in the case of a worker employed in any other trade.

The S&OE and WBO specify two possibilities:

Some deductions, as stated, are authorised by law from the salary. The worker must give the consent, but the total of deductions must not exceed sixty percent of the salary.

Deductions must not exceed seventy five percent, if specified by the Minister. If not, fifty percent of the wages. In practice, such deductions are usually fifty per cent.

In theory, an employer cannot change a term in the contract without the worker agreeing to the change (e.g. change the type of work that the worker do, change the place of work, cut the pay, or change the number of hours of work). In practice, the worker may be faced with the choice of accepting the change or losing his/her job. However, he/she may be able to take some action against the employer if he/she disagrees with the change. Taking action against an employer over a change in the contract may mean that the worker could lose his/her job. The facilitator should be prepared to advice participants what to do in such cases and who to contact if they have any queries, i.e. Dept. of Labour -Industrial Relations Divisions.

Termination of contract

Some of the expressions commonly used to describe situations when employment is terminated include: “let go,” “discharged,” “dismissed,” “fired”, “permanently laid off”and discontinued. In most cases, employment is terminated if the employer¹³dismisses the employee **(xxxvii)**

- Refuses to continue or is unable to continue employing someone, even when it's due to the employer's bankruptcy or insolvency.
- Constructively dismisses an employee and the employee resigns in response within a reasonable period of time, lays an employee off for a period longer than a temporary layoff. **(xxxviii)**

Usually, if an employer wants to end someone's employment contract, he/she must provide the employee with written termination notice or termination pay instead of the notice. A termination pay is a lump sum payment at least equal to the regular wages for a regular work week that the worker would otherwise have earned during the notice period to which he/she was entitled.

¹³ Text based on Government of Ontario, My employment standards at work, Pay. Available at: <http://www.worksmartontario.gov.on.ca/scripts/default.asp?contentID=1-3-1>

In some cases an employer cannot terminate an employee's contract even if he/she is prepared to give proper written notice or termination pay. **(xxxix)**

For example, an employer cannot end someone's employment, or penalize them in any other way, if any part of the reason for the termination of employment is based on the employee asking questions about social insurance contributions or joining a trade union, **(xl)** or taking a pregnancy, **(xli)** parental, family medical or emergency leave, even if the latter is not found in Sri Lankan labour law. According to **Articles 4 and 5 of ILO's Convention No. 158**, the employer must provide valid reasons and justification for termination of employment, as well as a reasonable period of notice or compensation in lieu thereof.

Rights@Work: The facilitator should prepare in advance Rights@Work Cards summarizing the basic provisions of the labour law on working notice termination and termination pay.

The Sri Lankan Context - Employment Contract

(xxxvii) Termination of Employment of Workmen Act, Sec: 6D - No employer shall terminate the scheduled employment of a workman **(Special Provisions) Act, No.45 of 1971** without : (a) the prior consent in writing of the workman; or (b) the prior written approval of the Commissioner.

(xxxviii) Termination of Employment of Workmen Act, Sec: 6B (1) - No order shall be made by the Commissioner under section 6 or section 6A in pursuance of an application made by a workman unless such application was made within six months of the termination to which such application relates to.

Termination of Employment of Workmen Act, Sec: 6D - Any sum of money to be paid as compensation to a workman on a decision or order made by the Commissioner under this Act, shall be computed in accordance with such formula as determined by the Commissioner, in consultation with the Minister, by Order published in the Gazette.

TEWA requires that:

A worker must apply within six months of the termination of his employment for compensation to be paid.

(xxxix) Shop and Office Employees Act, Sec: 19(b) - Nothing in this paragraph shall in any way affect the period of notice or warning necessary under any provision of written law other than this Act for the termination of any contract. **If** on any date the employer terminates the employment of any employee or any employee terminates his employment, the employer shall, before the expiry of the second working day after that date, pay the remuneration due to employee.

(xl) Industrial Disputes Act, Sec: 32A - Unfair Labour Practices - No employer shall- require a workman to join, or refrain from joining, any trade union, or to withdraw from, or to refrain from, withdrawing from, his membership of a trade union, of which he is a member, as a condition of his employment.

(xli) Shop and Office Employees Act, Sec: 18 E (i) - The employment of any female employee to whom this part applies shall not be terminated by reason only of her pregnancy or confinement.

Maternity Benefits Ordinance, Sec: 10 A (1) - The employment of a woman worker shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement.

The S&OE and MB Ordinance indicate that:

A female employee cannot be dismissed by reason only of her pregnancy or confinement or because of any illness, as a result of pregnancy or childbirth.

Topics for review and group discussion

- If you were excited about being offered a job, but then had concerns about specific provisions in the contract, how would you handle it? What measures, if any, would you take to address the situation? Is there a point at which “just having a job” outweighs all other concerns?
- What would you do if you realized that your employer was not honouring specific provisions of your employment contract?
- What basic guarantees do you feel an intern should have in terms of his/her relationship with the employer? Should they be paid in some way for the work they do? Should they have certain rights at the workplace? Or should they be satisfied with the work experience they are getting? And what kind of impact could their presence have on other employees in the enterprise? (xlii)
- Discuss the differences that individual workers might see in negotiating their employment terms and conditions through the collective bargaining process, as opposed to negotiating those terms as an individual.
- What are some of the issues and concerns that might arise for workers who are contributing members of a family business? How might they be addressed?

The Sri Lankan Context - Employment Contract

(xlii) Employment of Trainees (Private Sector) Act, No. 8 of 1978, Sec: 9 - The employer shall, at the conclusion of the period of training, provide employment to the trainee in a vocation specified in Column I of the Schedule to this Act, for which he has been trained or in the alternative, find him other suitable employment.

The aforementioned Act requires that:

Following the training period, the employer is obliged to find a suitable job for the trainee either in the same field that he has been trained or in any other suitable alternative employment.

Session 3 Social security

Learning objectives

By the end of this session participants will be able to:

- List the main features of the national social security system;
- Recognize the most common forms of informal employment at national level;
- Identify factors that influence labour market outcomes for young workers.

Delivery time

- 120 minutes

Activities

- Developing life scenarios: Hoping for the best, preparing for the future;

Introduction

This session of the workshop is aimed at familiarizing young workers with the main features of the national social security system. It introduces participants to the rationale for social security schemes as well as the range of benefits to which workers are entitled. As social security schemes vary widely from country to country, the facilitator needs to research national provisions to prepare Rights@Work Cards that summarize key features of the system, the contingencies covered, eligibility criteria and the levels and amounts of benefits. The most reliable source of information in this area is the national social security institute and the trade unions. In Sri Lanka, it is the department of Labour, and the Employees Trust Fund Board. The final part of the session discusses the most common forms of informal employment among young workers and highlights those factors likely to place certain groups of young workers at a disadvantage in the labour market.

Key features of social security systems

Only 20 per cent of the world's population have adequate social security coverage and more than half lack any coverage at all. Social security is the protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner. It is broadly defined as a system of contribution-based health, pension and unemployment protection, together with tax-financed social benefits. National social security systems may include various elements, as shown in Box 3.1.

Box 3.1 Main elements of social security systems

Social insurance systems differ from country to country. Most systems, however: i) are financed by the contributions of workers and employers (either in equal share or with employers contributing more than workers and some time with the participation of the State); ii) require compulsory participation; iii) require that contributions be paid into special funds, from which benefits are paid; iv) guarantee benefits on the basis of contributions made, irrespective of the income or wealth of the individual beneficiary; v) ensure that contribution and benefits rates are related to what the person is or has been earning.

In *social assistance* schemes, taxes - either local or national - are used to finance benefits that are paid when specific conditions are met by an individual or a family. Generally, the beneficiary's income is taken into account to decide the final amount of benefit to be paid. Many countries that have social insurance schemes also have social assistance schemes for those who fall outside the scope of social insurance, or whose social insurance benefits are insufficient to meet basic needs.

Benefits from general revenues: In some countries, benefits are paid – irrespective of the income or wealth of individuals - from the general revenues of the State to all residents, or to persons who have been in employment for a minimum period of time. These benefits often include pensions for elderly people, for widows or orphans. In Sri Lanka, government servants are entitled to such payments as well as do invalids. Medical care is also provided without the need for individuals to contribute themselves, as the cost is covered, wholly or partially, by public funds. (xliii)

Family benefits: There are many countries that provide some form of social security cover in recognition of the special needs associated with raising a family. In some countries, payments are made through the tax structure. Other countries provide special benefits to those who are raising children, either through a pension or by supplementing wages.

National Provident Funds: They are compulsory savings schemes where accumulated contributions (savings) are paid out to members - with interest – usually in cases of retirement, (xliv) In provident fund schemes, individual contributions are deducted from the workers' wages, and these are usually matched by a similar (or greater) contribution by the employers.(xliv)

Source: ILO; *Social security principles*, ILO Geneva, 1998

Social insurance relies on membership. Individual members contribute to the insurance scheme that allocates benefits to the member (or his/her family), when circumstance such as illness, retirement or death occurs. In social assistance programmes, on the other hand, the right to benefits hinges on being a member of a community. The community provides – through national taxes - the funds that are then disbursed, in the form of benefits, to individuals or families in need.

In some countries, social security schemes are limited in their coverage, i.e. they include only certain types of workers. One of the many reasons for this is the administrative complexity of most insurance schemes. Where individuals and employers contribute to a social security system, details of employment records, wages and contributions paid need to be up-to-date so that, when a claim is made all necessary information is available and accurate especially for benefits such as old-age and invalidity pensions that may be paid over several decades.

For salaried and wage workers, the main attraction of social insurance schemes are their value: although workers pay a part of their wage to the scheme, the amount is matched, at least, by the amount paid by the employer (the State may also add a supplement). Own-account workers, on the other hand, have to meet the cost of the full contribution themselves. Generally countries use one of two approaches to collect contributions and pay out relevant benefits. The first method is to base the benefit levels on a proportion of the wage earned (earnings-related benefits). The second is to base them on the cost of subsistence (flat-rate benefits).

The facilitator should emphasize the importance for young workers to make sure that the employer pays the social insurance contributions. One way to do this is by checking their payslips. Employers are legally obliged to supply workers with a payslip with every payment of wages. **(xlvii)**. This payslip should show the gross wage and the nature and **amount of each deduction, including employer and employee contributions social insurance** (Session 4). **(xlviii)**

The Sri Lankan Context - Social Security

(xliii) Employees' Trust Fund, Sec: 24 (1) - Where the employment of any employee is terminated on disablement due to accident or disease, any sum standing to the credit of such employee, in his individual account shall be payable by the Board to such employee, **Sec: 25 (1)** on the death of any employee, the sum standing to his credit in his individual account shall be paid by the Board to his nominee. If there shall be no nominee, such sum shall be paid to the executor of the Last Will or the administrator of the estate of such employee or to the heirs of the employee.

(xliv) Employees' Provident Fund, Sec: 23 - After such member, being a male, attains the age of fifty-five years, or being a female, attains the age of fifty years - other reason are stipulated according to **Section 23 (1) (b) to sub sec: (f)** Payment of benefits to members to be made as a lump sum payment.

(xlv) Employees' Trust Fund, Sec: 16 (1) - the employer of every employee to whom this Act applies shall, in respect of each month during which such employee is employed by such employer, be liable to pay in respect of such employee, to the Fund, on or before the last day of the succeeding month, contribution of an amount equal to three percent of the total earning of such employee from his employment under such employer during that month.

Employees' Provident Fund, Sec: 10 (1) - An employee to whom this Act applies shall, in respect of each month during which he works in a covered employment be liable to pay to the Fund a contribution of an amount equal to eight percent of his total earnings from the said employment during the said month. **Sec: 10 (2)** the employer of every employee to whom this Act applies and who is liable to pay contributions to the Fund shall, in respect of each month during which such employee is in a covered employment under such employer, be liable to pay to the Fund on or before the last day of the succeeding month, a contribution of an amount equal to twelve percent of such earnings from the said employment during the said month.

(xlvi) Wages Board Ordinance - Each employer who under **section 3**, maintains or has maintained a wage record shall, on any request made by a worker or by the trade union to which he belongs, furnish or cause to be furnished, all particulars of the wages paid to such worker in the prescribed form).

EPF, WBO and ETF specify that:

If a request is made, a pay slip must be given to the worker and it should contain the wages, deductions, Special Living Allowance (if any), overtime payments, wage period, EPF / ETF contributions, number of days worked, balance wages and such other prescribed matters.

(xlvi) The Central Bank EPF dept. issues half -yearly statements to employers to be distributed among their employees indicating credit balances of individual accounts of each member.

Social security in the Decent Work Agenda

Social security is a core component of the ILO's Decent Work Agenda. The ILO actively promotes policies and provides assistance to countries to help extend adequate levels of social security to all members of society.

A landmark in international social security was the adoption by the International Labour Conference of the ILO on 28 June 1952 of the Social Security (Minimum Standards) Convention (No. 102). This brought together in one comprehensive document, the policies to which member States were prepared to subscribe to, and defined the range of benefits which form the core of social security. It laid down minimum requirements as to coverage of the population and the content and level of benefits, and covered the protection of the rights of contributors and beneficiaries and ancillary matters of administration. Convention No. 102 maintains its authority as setting important basic standards, even though, in the meantime, the ILO has moved on to a series of more detailed Conventions and Recommendations on specific branches of social security such as: (Minimum Standards) Convention, 1952 (No. 102) Maternity Protection Convention (Revised), 1952 (No. 95) Equality of Treatment (Social Security) Convention, 1962 (No. 118) concerning equality of treatment of nationals and non-nationals, Employment Injury Benefits Convention, 1964 (No. 121), Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 131) Medical Care and Sickness Benefits Convention, 1969 (No. 134), etc.

- (i) In a globalizing world, where people are increasingly exposed to global economic risks, there is growing consciousness that a broad-based national social protection policy can provide a strong buffer against many of the negative social effects of crises. For these reasons, in 2012, the International Labour Conference adopted an important new instrument, the Social Protection Floors Recommendation (No.202). This new Recommendation provides guidance to member States in building comprehensive social security systems and extending social security coverage by prioritizing the establishment of national floors of social protection accessible to all. The new Recommendation complements the existing Conventions and Recommendations. In particular, it assists member States in covering the unprotected, the poor and the most vulnerable people. It thereby aims at ensuring that all members of society enjoy at least a basic level of social security throughout their lives.

At this point of the session, the facilitator should introduce the range of benefits to which the national **security system subscribes to -type, eligibility criteria, and amount of contributions and benefits (xlviii)**. The facilitator may wish to organize this information into a hand out for participants. An example, based on international labour standards, can be found in Box 3.2.

The Sri Lankan Context - Social Security

(xlviii). **Employees' Provident Fund Act, Sec: 10 (i)** - eight percent of the earnings of a worker, (ii) twelve percent from the employer respectively. If both parties agree, these rates can be increased by submitting form "O" under **Section 11 of the EPF Act**, but cannot be reduced thereafter. Housing loan facility under the **Employees' Provident Fund Act No. 42 of 1988. (Employees' Provident Fund Act No 2 of 2012-** Facility to withdraw 30% of the credit balance from the individual account of a member to utilize on housing or health requirements. Payment of benefits to members: on reaching the retirement age, (males, 55 years and females 50 years) consequent to marriage, permanent disability, departure from Sri Lanka for good (migration), securing a pensionable post, due to privation or death of member).

Employees' Trust Fund Act Sec: 10 (i) - Three per cent contributions from the employer only on the earnings of the worker. There are 10 types of welfare facilities afforded to members under the ETF Act No. 46 of 1980, subject to variations according to decision of the management of the ETF Board.

Box 3.2 Social security benefits

Medical care: These benefits usually cover preventive health care, doctor's care (general practitioners and specialists) and hospital services. Sometimes they also include dental care and medical rehabilitation. Often, a minimum period of employment and of contribution is required before medical care benefits can be provided. Some countries require a co-payment for medical services and have a maximum duration for benefits. (C102 - *Social Security (Minimum Standards)*; C103 *Medical Care and Sickness Benefits*) (xlix)

Sickness benefit: (I) Beneficiaries need to prove that they are suffering from an illness or disease which prevents them from working. This criterion is usually fulfilled by a medical certificate. In many systems, the employer is required to continue to pay wages (or a percentage of the wage) for a certain period of time after the onset of the illness and during the absence from work. ILO Convention No 102 - *Social Security (Minimum Standards)* envisages that sickness benefits should be at least 45 per cent of the reference wage, while Convention No 130 - *Medical Care and Sickness Benefits* envisages 60 per cent of the reference wage.

Maternity benefit: This benefit is provided either by the social insurance system or by other public funds. The amount varies from country to country since the international standard envisages a benefit of at least two-thirds of previous earnings. The benefits include medical care and hospitalization when necessary. At least 14 weeks of maternity leave, with a minimum of six weeks after the birth, should be the norm. The mother should also be guaranteed reinstatement in her job after her return to work, and daily breaks to nurse the baby during working hours. (II) (C102 - *Social Security (Minimum Standards)*, C183 - *Maternity Protection*).

Unemployment benefit: is paid to those who, through no fault of their own, have become unemployed and who, as a result, have lost their income. This benefit is usually paid for a relatively short time, depending on the period of contributions paid. A minimum number of months of work is usually required for entitlement. Unemployment benefits normally cover only salaried employees in regular paid work.

The amount of the benefit may depend on the wage level the worker was receiving while employed, or be expressed as a percentage of the reference wage. ILO Convention (lii) No 102 - *Social Security (Minimum Standards)* envisages a minimum of 45 per cent of the reference wage, while Convention No 168 - *Employment Promotion and Protection against Unemployment* prescribes at least 50 per cent of the reference wage in the initial period of unemployment. The unemployment benefit is generally conditional on registration with the Public Employment Service (PES) and an active job search.

Employment injury benefit: The levels and duration of compensation for employment injury and occupational disease vary from country to country. ILO Convention No 102 *Social Security (Minimum Standards)* envisages at least 50 per cent of the reference wage, while Convention No 121 *Employment Injury Benefits* prescribes 60 per cent of the reference wage in case of incapacity to work or invalidity. Generally, five elements are included in this benefit: 1) medical care and hospital treatment; 2) benefits in respect of temporary incapacity; 3) a lump sum for permanent and total incapacity; 4) a percentage lump sum (or grant) for a permanent, but partial incapacity; and 5) a lump sum if the insured person dies (paid to members of the family). What constitutes a “work accident” or “occupational disease” is usually defined by national law. (liii)

Invalidity benefit: This benefit is paid to insured persons who are incapacitated and unable to work. Countries often specify a minimum contribution period to become entitled to this benefit. ILO Convention No 102 - *Social Security (Minimum Standards)* prescribes payments equal to at least 40 per cent of the reference wage, while Convention No 128 *Invalidity, Old-Age and Survivors' Benefits* envisages at least 50 per cent of the reference wage, with rates being revised periodically. In a Sri Lankan context, **the ETF Board** has decided on an invalidity benefit scheme.

Old-age benefits: These benefits aim at preventing the impoverishment of old people. Workers contribute to an insurance or pension fund, or the State sets aside funds to secure income for the elderly. Many countries have a maximum working age (normally 65 years of age). (liv) Often, the amount of the benefit depends on the duration of employment and the amount of contributions paid. ILO Convention No 102 - *Social Security (Minimum Standards)* envisages payments equal to 40 per cent of the reference wage with adjustments based on the cost of living, while Convention No 128 *Invalidity, Old-Age and Survivors' Benefits* prescribes a payment of 45 per cent of the reference wage, with periodic revision of rates.

Source: ILO; *Social security principles*, ILO Geneva, 1998; ILO, *Rules of the Game. A brief introduction to international labour standards*, ILO Geneva, 2009.

After reviewing the key features of the national social security system, the facilitator can prepare an activity to emphasize the importance for young workers to participating in such a scheme (Activity 3.1).

The Sri Lankan Context - Social Security

(xlix), (I) Although Not explicitly stated in the general labour law., the **ETF** Board has declared a scheme for medical care for its members, and some government corporations. Statutory Boards have organized medical schemes on their own. In Sri Lanka, there is no legal requirement to offer sickness benefits. However, well-established private sector companies, public corporations and statutory bodies offer such benefit schemes voluntarily. Government servants have a sickness benefit, contributory scheme known as: “Agra Hara”.

(li) Maternity Benefits Ordinance (1). The period for which any woman shall be entitled to the payment of maternity benefit shall be - (a) twelve weeks, that is to say two weeks up to and including the day of her confinement and ten weeks immediately following that day, if the confinement results in the issue of a live -child, and such woman has, at the date of such confinement, no child or has one child; (b) six weeks, that is to say two weeks up to and including the day of her confinement and four weeks immediately following that day- (i) if the confinement results in the issue of a live -child, and such woman has, at the date of such confinement, two or more than two children; (ii) if the confinement does not result in the issue of a live -child. The employment of a woman worker shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement. Nursing mothers are allowed two intervals on a working day for a period of one year to feed the child.

Shop and Office Employees Act, 18 A. This Part shall apply to every female employed in or about the business of a Shop or Office. **18B. (1)** Subject to the provisions of Subsection (3), a female employee to whom this Part applies shall, upon giving notice to her employer that she expects to be confined within fourteen days from the date specified in the notice, be entitled to leave for the period commencing on that date ending on the day immediately preceeding the date of her confinement, and her employer shall allow such leave. **(2)** A female employee to whom this Part applies, shall, if she is confined, be entitled to take, and shall take leave for a period of - (a) seventy days commencing on the date of her confinement, if the confinement results in the issue of a live-child, and such employee has, at the date of such confinement, no child or has one child; and (b) twenty-eight days commencing on the date of her confinement - if the confinement results in the issue of a live-child and such employee has at the date of such confinement two or more than two children; if the confinement does not result in the issue of a live-child, and the employer shall allow such leave. The employment of any female employee to whom this Part applies shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent to her pregnancy or confinement.

(lii) Termination of Employment of Workmen Act, Sec: 6 - Any sum of money to be paid as compensation to a workman on a decision or order by the Commissioner under this Act, shall be computed in accordance with such formula as determined by the Commissioner, in consultation with the Minister, by Order published in the Gazette.

(liii) Workmen's' Compensation Ordinance shows a list of injuries deemed to result in Permanent/ Partial Disablement, Permanent and incurable paralysis of the limbs or injuries resulting in being permanently bedridden, Permanent incurable loss of mental capacity resulting total incapacity to work or any other injury causing total incapacity to work such a seye injuries, hearing Injuries, loss of speech, sensory loss, arm Injures, hand injuries, loss of index finger, loss of middle, ring and little fingers, of leg, loss of foot, loss of toes, etc.

According to the WCO, the aforementioned shows the types of injuries that can occur.

(liv) Retirement age is 60 years for Government servants, 55 years for private sector employees. Certain categories such as judges and university deans can go up to sixty five years in service.

Life scenario: Hoping for the best, preparing for the future

Young people generally have limited experience of life and work and, therefore, of the consequences they may have to face if they are injured and unable to work. Many young workers, infact, may prefer to have the whole amount of their wage at their disposition, rather than relinquish a small sum to insure against something that, in their minds, may never occur (such as illness or disability). To help young workers explore chance occurrences in life and work and make decisions in this context, the facilitator can use a group activity that asks participants to develop various scenarios to help a young worker make an informed decision about contributing to the national social security scheme. Note that in Sri Lanka, it is compulsory for all private sector employees subject to some exceptions, to contribute towards the Employees' Provident Fund Employees' Trust Fund.

The participants, divided into two teams, are asked to read a story about a young worker, and then develop two scenarios – one in which all goes well and one in which all goes wrong. — They should then explore the advantages and disadvantages of participating in the insurance system, referring to each of the two scenarios. At the end, each team is asked to give their opinion. They should keep in mind that all deductions made from a worker's wages (see Session 4 for some examples) need to be as near as possible to the national reality.

An example on how facilitators' can design this group activity is provided in the Toolkit. At the end of this activity, the facilitator should remind participants that life events can rarely be predicted and real-life experiences are likely to fall somewhere inbetween the best and worst case scenarios.

Topics for review and group discussion

- What are the general characteristics of the social security framework in your country? Do you think the framework itself is adequate to provide basic social protection for workers? What is the level of participation amongst the workforce? Can you suggest any improvements that could be made to render social security better and more effective?
- In what ways does social security contribute to economic and social progress in the country?
- What social insurance issues do you think are the most important for young workers, and why?
- What are some of the characteristics of the informal economy in your country? How might informal economy workers be able to move towards formal employment, and therefore have better access to social security?
- Do you have any plans as to how you will live, once you have retired? How much money do you think it will take and where do you expect that money to come from? What measures do you anticipate taking to ensure that you are able to live in a decent manner after retirement?

Session **4** Conditions of work: hours of work, wages and leave.

Learning objectives

By the end of this session participants will be able to:

- List national rules on working time, leave and pay;
- Identify the minimum requirements of a payslip;
- Explain typical wage deductions.

Delivery time

- 120 minutes

Activities

- At work: Flash the labour standards!
- There isn't much left at the end of the month: My pay slip;
- Speed advising;
- Chief, just one last question ... Negotiating working time and pay.

Introduction

This session of the workshop focuses on hours of work, wages and leave. It aims to consolidate and expands participants' knowledge of relevant national labour standards. It also provides examples on how to negotiate these terms and conditions of work with employers. This session should be built on the basis of labour standards in force in the country where the workshop is being held. The facilitator should prepare relevant *Rights@Work Cards* that will help remind participants of the minimum protections guaranteed by the national labour law. Relevant international labour standards are also referred to in the text. The facilitator should remind participants that if their government has ratified the relevant ILO Convention, then this ratification establishes the minimum entitlements for workers in their respective countries. **(lv)**

Hours of work

Often young people who start working find themselves in an unfamiliar situation where work dominates their everyday life and takes up most of their time. Besides the difficulties associated with the change of life style caused by the transition from school to work, young people – particularly those still in their teens –generally require additional protection due to the fact that they have not reached full adulthood. To accommodate these needs, many countries adopt special regulations on conditions of work for young people. Normally, this includes lower maximum working hours (daily and weekly), together with a prohibition to take on night work and certain other special provisions that allow young people to combine education and work. **(lvi)**

The Sri Lankan Context - Conditions of work for youth

(lv) The minimum entitlements that an employee can receive under the general labour standards prevailing in the country , i.e. employers responsibilities can be summarised as follows:

(1).Payment of wages at least with the minimum rates under the **WBO** (2) - Keeping of records and responsibilities, duties and liabilities. (3). Granting of holidays, weekly holidays, annual/ public holidays (4). Providing wage particulars. (5). Be subject to penalty for failure to adhere to the Law. (6.) Respect hours of work / intervals. (7) Pay for overtime (8). Respect specific conditions for employment of women and young persons. (9). Payment of maternity benefits. (10). Timely payment of wages. (11). Providing full protection under the social security enactments.

(lvi) Factories Ordinance – Employment of Women and Young Persons, Hours and Holidays, Sec: 67 - Subject to the provisions of this Part, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any one day not exceed forty-eight in any one week; (b) the period of employment in the case of young persons who have not attained the age of sixteen shall not exceed twelve hours in any one day and shall neither begin earlier than six o' clock in the morning nor end later than six o' clock in the evening, and in the case of young persons who have not attained the age of eighteen, the period of employment shall not end later than eight o' clock in the evening, and on less than one day in the week, one o'clock in the afternoon. (c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of, a minimum half an hour for a meal or rest. However, in respect of regular day time workers, one such interval shall be allowed to commence between the hours of eleven o' clock in the morning and one o'clock in the afternoon, and that where an interval of no less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

Conditions of work: hours of work, wages and leave

Sec: 68 - (1) Notwithstanding the provisions of this Part relating to the hours worked and period of employment, the pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained sixteen years of age but have not attained eighteen years of age: Provided that the overtime worked by a woman shall not exceed in the aggregate sixty hours in any calendar month and overtime worked by a young person who has attained the age of sixteen years but not attained the age of eighteen years, shall not exceed in the aggregate of fifty hours in any calendar month. **(2)** The overtime employment of a woman or young person shall be subject to the following conditions:- **(a)** the total number of hours worked, including overtime, by a woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed sixty hours in any week; **(b)** the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not in the case of young persons extend outside the hours specified in this Part for the beginning and end of the period of employment. **(2A)** An employer shall not engage in overtime- a pregnant woman during her pregnancy; and **(b)** a nursing mother, for a period of one year calculated from the date of birth of the child; and **(c)** a woman delivered of a still-born child, for a period of three months calculated from the date of birth of such still birth, as she expresses her consent to be engaged in overtime, in writing.

Employment of Women, Young Persons and Children Act, Sec: 20A - No person under the age of eighteen years shall be employed in any hazardous occupation which shall be prescribed in accordance with the guidelines specified in subsection (2) In prescribing hazardous occupations for purpose of the subsection (1), the Minister shall take into consideration the nature or the circumstances in which the occupation is being carried out and the harm that may be caused as a result thereof to the health, safety or morals of a person.

These statutes ensure that:

Youth (15-18) benefit from special conditions due of health or societal concerns. Young employees shall be aware of their rights which include entitlements to not be employed in any hazardous occupation, shorter hours of work and maximum overtime.

The regulation of working time is one of the oldest concerns of labour legislation. The very first ILO Convention, adopted in 1919 (**Hours of Work (Industry) Convention, 1919 (No. 1)**), limited hours of work and provided for adequate rest periods for workers. Today, ILO standards on working time provide the framework for regulated hours of work, daily and weekly rest periods, and annual holidays (**Weekly Rest (Industry) Convention, 1921 (No. 14)**, **Holidays with Pay Convention (Revised), 1970 (No. 132)**, **Night Work Convention, 1990 (No. 171)**). These instruments ensure high productivity while safeguarding workers' physical and mental health. Standards on part-time work (such as **Part-time work Convention 175, 1994**), have become increasingly important instruments for addressing such issues as job creation and promoting equality between men and women. The facilitator should remind participants of the basic provisions of the labour law on hours of work, overtime work, night work, part-time work, annual leave and rest periods, already mentioned in Session 2. An example is provided in the Toolkit.

Box 4.1. Decent working time

The enhancement of working time is an important step in the ILO's quest for decent work. Working time issues need to be tackled on multiple levels in order to close the different types of "gaps" between workers' actual and preferred hours of work, as well as to advance the competitiveness of enterprises (Messenger ed., 2004). These situations include those workers who are working "excessively" long hours on a regular basis; those workers who are working part-time and would prefer to work more hours to raise their earnings; and finally those workers whose primary concern is not the number of hours they are working, but rather the arrangement of those hours, such as those working at night, at weekends, and on irregular or rotating shift schedules. Taking steps to address these situations and thus promote decent work can benefit businesses in a number of different ways, such as through increased productivity; reduced rates of absenteeism and staff turnover; and improved employee attitudes and morale, which in turn can translate into a better "bottom line".

The ILO's Conditions of Work and Employment Programme (TRAVAIL) has identified five significant dimensions of decent work in the area of working time, or "decent working time". These five dimensions are as follows:

- Working time arrangements should promote health and safety: regular long working hours not only negatively affect the health and safety of workers but also decreases the productivity of enterprises.
- Be "family-friendly": working time benefits workers and their families as well as the society as a whole.
- Promote gender equality: working time policies must enable women to be on an equal footing with men in employment and allow both partners to combine paid work, family responsibilities, and lifelong learning.
- Advance the productivity and competitiveness of enterprises: there is long standing evidence that links reductions in working hours to increased productivity; and
- Facilitate worker choice and influence over their hours of work: workers appreciate flexibility in handling their working hours, and consider it as an important means to improve work-life balance.
- Decent working time can be mutually beneficial for workers and employers as it creates win-win situations. This happens because it not only allows workers to balance their personal lives with paid work, but also increases enterprise competitiveness.

Source: ILO, *Decent working time. New trends, new issues*, Geneva, 2006

The number of weekly working hours, and the way those hours are organised, can significantly affect the quality of work and life. Work may affect one's health, especially when the hours are long, irregular or carried out at night or on weekends. Young people who had difficulties in finding a job may feel they should exceed standard working hours, even if this is not required, to prove their willingness and capability to do the job. They may also fear losing their job, if they do not spend additional time at work. (Ivii)

Conditions of work: hours of work, wages and leave

The facilitator should point out to participants the possible long-term consequences of working excessive hours. For instance, studies show that working hours in excess of 48 hours per week is an important occupational stressor, which significantly increases the risk of mental health problems, and that working more than 60 hours per week may increase the risk of cardiovascular disease. Employees working irregular hours often report difficulties with sleeping and concentration; and working at night may increase the risk of health disorders.

Activity 4.1

At work: Flash the labour standards!

This is a brainstorming exercise aimed at getting participants to think about, and discuss, hours of work, overtime, night work and rest periods. It builds on the *Rights@Work Cards* that summarize the minimum standards in these areas and with flip-charts that list the pros and cons for workers and employers. After the facilitator has introduced the relevant national standard on the *Rights@Work Card*, one of the participants lists on the flip chart the answers provided by participants on the advantages and disadvantages for both workers and employers. Activity 4.1 in the Toolkit provides some examples of pros and cons for shift and night work, which the facilitator can use to guide the discussion. Examples of *Rights@Work Cards* based on international labour standards are provided in the Toolkit (Session 4).

Wages

The salary may well be the most important element when deciding to take - up a job. It is, therefore, especially important for young people to understand how their pay is calculated, which deductions are made and for what purpose, as well as to understand the minimum requirements set by national labour law. (Iviii)

The Sri Lankan Context - Conditions of work for youth

(lvii) Factories Ordinance, Sec: 68 (1) - relating to the hours worked and period of employment, the pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained sixteen years of age but have not attained eighteen years of age. The maximum working hours per week are 48, Under the **S&OE Act**, it is 45 hours per week. As for the **WBO**, it depends on the decision of any particular Wages Board. Night work for females are to be carried out are under strict conditions.

(lviii) Wages Board Ordinance, Sec: 2 (a) - the aggregate of the deductions so made at any one time shall not exceed - seventy- five percent of the wages due, in the case of a worker in any trade specified by the Minister for the purposes of this paragraph by Notification published in the Gazette; and fifty percent of the wages due, in the case of a worker employed in any other trade. Deductions mean monies deducted from the wages of an employee at the time of payment of wages. These deductions must be “Authorized” by law. eg: advance of money paid out of the wages of the worker, any some of money paid with the consent of the employee to a third party, statutory deductions from the wages such as EPF, Income Tax, Court Orders etc. Any other deductions prescribed by regulations. See **Wages Board Ordinance Regulations of 1971** and **Shop and Office Employees Act Regulation of 1954**).

Shop and Office Employees Act, The aggregate of the deductions made at any one time shall not exceed sixty percent of the remuneration due.

WBO and S&OE both specify the conditions for deduction from wages:

They are due to any written law such as income tax, EPF, court orders, salary advances, loans taken, articles bought from the employer's business, no-pay deductions and any fines imposed by the employer which is authorised under the law. .

Wages are considered as remuneration, expressed in monetary terms, paid by an employer to an employed person for work done or services rendered. They are either fixed through mutual agreement between the worker and the employer or by national law. Wages have to be paid regularly; **(lix)** and deductions are permitted only to the extent prescribed by national law or by collective bargaining agreements. Many countries have a minimum wage which, at national level, sets a minimum amount of remuneration for workers and is aimed at covering their minimum needs, and those of their dependants, in relation to the country's economic and social conditions. Neither a collective bargaining agreement nor an agreement between the employer and the worker can reduce the minimum wage.

International labour standards related to wages address the questions of regular payment of wages, fixing of minimum wage levels, and the settlement of unpaid wages in case of employer insolvency. **The Minimum Wage Fixing Convention, 1970 (No. 131)** requires ratifying states to establish mechanisms for fixing a minimum wage that are capable of determining and periodically reviewing and adjusting it. The objective of **The Protection of Wages Convention, 1949 (No. 95)** is to guarantee the payment of wages in full and in a timely manner and applies to all persons to whom wages are paid or payable (Art. 2(1)). **The Protection of Wages Recommendation, 1949 (No. 85)** contains specific protections related to payment periodicity for work done on a piece-work basis. **(lx)** ILO standards on wages can help ensure that wages remain equitable in time of economic change.

Conditions of work: hours of work, wages and leave

The facilitator should remind participants the basic provisions of the labour law in the country on minimum wage. Some countries have two different scales of the minimum wage: one that applies to adult workers and one that applies to young people. **(Ixi)** If the country of the workshop applies a sub-minimum wage for young workers, the facilitator may wish to discuss with participants the advantages and disadvantages of such a practice. For instance, some argue that a lower minimum wage would provide an incentive for enterprises to recruit more young workers; others maintain that the application of a unique minimum wage could provide an incentive for young people to leave school early to get a job.¹⁴

The Sri Lankan Context - Conditions of work for youth

(lix) Subject to the provisions of **WBO, Sec: 31 (4)** - the employer shall fix the period, not exceeding one month, in respect of which remuneration is payable to each person employed in or about the business of his shop or office, and shall pay the remuneration for the said period to the said person - (i) where the said period does not exceed one week, within three days after the expiry of the period, or (ii) where the said period exceeds one week but does not exceed two weeks, within five days after the expiry of the period, or (iii) where the said period exceeds two weeks, with ten days after the expiry of the period.

(lx) Wages Board Ordinance, Sec: 20 (1) - In respect of the trade for which it is established, every Wages Board shall, subject to the provisions of subsection (3), determine a minimum rate of wages for time work, and may also determine all or any one or more of the following rates of wages:- (a) a minimum rate of wages for piece work (b) a minimum time-rate to apply in the case of workers employed in piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work. These minimum wages are published in the newspapers and government gazette, if and when there are any changes in the wages according to decisions of such Wages Boards and also published in the quarterly Labour Gazette issued by the Ministry of Labour.

(lxi) Wages Board Ordinance, Sec: 39 (i) - Where the Commissioner or any other officer whom the Commissioner may authorize in writing for the purposes of this section, is satisfied that any worker employed or desiring to be employed in any work to which a minimum rate of wages is applicable, is affected by any infirmity or physical injury which renders him incapable of earning that minimum rate, the Commissioner or such officer may, if he thinks fit, grant to that worker, subject to such conditions as may be prescribed, a permit exempting the employment of that worker from the provisions of this Ordinance relating to the payment of wages at less than the minimum rate. These minimum wages are published in the newspapers and government gazette, if and when there are any changes in the wages according to decisions of such Wages Boards and also published in the quarterly Labour Gazette issued by the Ministry of Labour.

These statutes specify that:

Salaries should be paid at least every month. Minimum rate of wages should be determined. There may be deductions to salaries if the worker is affected by injury which renders him/her incapable of earning the minimum rate, although special permission should be issued by the Commissioner.

¹⁴ A list of arguments for and against a sub-minimum wage for young workers can be found in: Trade Union Congress, *A better way to work, Unit 2: Rights and Responsibilities at Work*, Warwick, 2006, p. 25 Available online at: http://www.tuc.org.uk/extras/ABWTW_06_UNIT_2.pdf.

The ILO Convention on working hours (**C001 - Hours of Work (Industry) Convention, 1919 (No. 1)**) guarantees workers an extra compensation for overtime work (minimally the basic hourly wage plus all additional benefits workers are entitled to) Furthermore, Conventions 14, 52, 106 and 132 envisage young workers should be entitled to compensation if they have to work during national and officially recognized religious holidays. The facilitator should inform young workers what the national labour law says about overtime pay and payment for working on a public holiday. **(Ixi)**

Reading a payslip

All employees are entitled to an individual written payslip, at or before the time they are paid. The payslip must show: **(Ixi)**

- gross pay (pay before any tax or national insurance has been taken off);
- the amounts of deductions, for example tax and national insurance, and what the deductions are for; and
- the total amount of take-home pay after deductions.

By law, an employer is only entitled to make certain deductions from an employee's pay. In most cases, an employer can only lawfully make a deduction from an employee's pay if the deduction is **(Ixi)**

- required to be made by law. For example, employers are required to deduct tax and national insurance from their employee's pay by law; or
- allowed for by the employee's contract. This means that there must be a specific clause in the contract which allows for that particular deduction to be made. The deduction can then only be made lawfully if the employee is given a written copy of that term in the contract before any deduction is made under it. This would cover deductions such as union dues or payments to a pension scheme; or
- the deduction has been agreed to in writing by the employee before it is deducted.

The facilitator should explain to young workers how to read a payslip. He/she should explain each of the deductions an employer can make, according to national law, and provide tips and suggestions on how to check whether the employer is paying all the dues, taxes and social security contributions. The facilitator needs to research how this information can be obtained. For instance, certain social security systems give users the possibility to check their status through the Internet; in other instances the person needs to contact the social security agency himself/herself to find out his/her contributory status. Activity 4.2 can be used for this purpose. **(Ixi)**

Conditions of work: hours of work, wages and leave

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(Ixi) Shop and Office Employee Act, Sec: 7 (2) - A person to whom the provisions of **Subsection (1)** apply, may, notwithstanding, these provisions, be with the prior sanction of the Commissioner, be employed for a normal period employment on any day declared to be a holiday for the section, but in any such case that person shall instead be allowed a holiday with full remuneration, on or before the thirty first day of December, next succeeding, or be paid remuneration for his employment on the day so declared to be a holiday, at a rate which is double the rate at which, such person is ordinarily remunerated, for such employment on any day.

Wages Board Ordinance, Sec: 25(1)(c) - determines what remuneration, if any, shall be paid to workers, in respect of such holidays, the conditions, if any, subject to which such worker may be employed or, any of the public holidays specified by the Board.

(Ixi) Wages Boards Ordinance, Sec: 3 (c) - Every employer who under Section 3, maintains or has maintained a wage record shall, on any request made by a worker or by the trade union to which he belongs, furnish or cause to be furnished, all particulars of the wages paid to such worker in the prescribed form.

(Ixiv): Only authorized deductions : Some deductions are allowed, while for others prior approval must be obtained from the Commissioner of Labour. Authorised deductions are shown in such enactments. The employer need not get approval of the Commissioner of Labour to deduct such amounts from the wages. Examples include deductions to be done according to written laws, income tax, EPF and court orders. Other deductions have to be permitted by the Commissioner include, fines, loans, rent of accommodation, security premiums, insurance and bank deposits etc.

Such information could be obtained from half yearly statements from the Central Bank, or from the Department of Labour, particularly from the IT Division.

Activity 4.2

There isn't much left at the end of the month: My pay slip

Reading a payslip might not be the most appealing part of a job, but being able to do so will help participants understand why the money they receive in their pay checks is less than the gross amount that was agreed upon. The deductions made from workers' wages vary in kind and percentage in accordance with the national social security scheme in force (see Session 3). In order to familiarize participants with payslips, the facilitator should obtain a copy of a payslip from the participants' country (ensuring the employee's name and any identification numbers are included) and explain participants the concepts of gross wage, deductions and net pay (take-home pay). Should this not be possible, a model payslip is included in the Toolkit.

Activity 4.3

Chief, just one last question... Negotiating working time and pay

To conclude the session, the facilitator should organize a role playing exercise aimed at practicing the knowledge acquired on hours of work, wages and annual leave. The Toolkit offers two role-playing examples. In the first activity (Activity 4.3 *Speed advising*) participants are divided into two equal groups. One group comprises young workers who are having problems in their jobs, and the other comprises “counsellors” who provide advice on how to solve these problems. Each participant in the group of young workers picks up a card summarizing a real-life situation (an example is provided in the Toolkit). The situation is reported to one of the counsellors who, in 2-3 minutes, should provide advice on how to sort out the problem. Every 3-5 minutes, the facilitator will swap the counsellors, so that the young worker gets to report his/her problem to at least two different counsellors. The facilitator may run the activity twice so that participants play both the role of worker and of counsellor.

As a debriefing, the facilitator should go through the problems that were discussed with the counsellors and ask the young workers to share the advice they received. They young workers should also indicate what advice they considered to be the best. The final activity of the session (Activity 4.4 *Chief, just one last question... Negotiating working time and pay*) simulates a negotiation on salary and working time. Participants are divided into two groups: employers and workers. Each group is provided with its own role-cards and instructions. The first task for each group is to decide on the negotiation strategy to be used. Once this is settled, each group nominates a spokesperson who will be responsible for negotiating with the other party’s representative. The facilitator should allow the parties to negotiate for approximately 15 minutes. At the end of the role-play, the facilitator should initiate a discussion with participants on the strategy used, whether it was effective and what they would change if they were asked to re-play the roles.

Leave

There are a many types of leave or work off to which workers may be entitled. A number of ILO Conventions and Recommendations cover employee’s rights with respect these types of leave.

Annual leave: is the period during which workers take time away from their work while continuing to receive an income and to be entitled to social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them the opportunity for extended rest and recreation. The ILO Holidays with Pay Convention (Revised), 1970 (No. 132), entitles workers to a right to take three weeks’ paid leave each year. Those who have been employed with an employer for less than one year, but longer than six months, are to have a right to a proportional period of paid leave. In addition, the Convention specifies that it should be possible for an employee to take two weeks of the annual leave in one block without interruption. The Convention also provides that the timing of the leave period should in principle be determined by the employer, in consultation with the employee or his or her representatives. (lxvi)

Sick leave: The concept of paid sick leave consists of two components:

- Leave from work due to sickness and (lxvii)
- Cash benefits that replace the wage during the time of leave due to sickness.

Note that in **Sri Lanka**, contrary to the practice in some countries, no national standards exist on sick leave. **S&OE No.19 of 1954** and **WBO No.27 of 1941**, despite being the main two enactments dealing with

Conditions of work: hours of work, wages and leave

conditions of employment covering whole set of rules and regulations for the protection of the employees and stating the duties and responsibilities of employers, do not mention granting of sick leaves as a compulsory obligation of the employer under these laws.

This concept is reflected in the definition of paid sick leave as compensated working days lost due to sickness of workers. Paid sick leave is intended to protect the worker's status and income during the period of illness or injury through health and financial protection. The key rationale for paid sick leave is that work should not threaten health and illness should not lead to loss of income and work. Paid sick leave allows workers to:

- Access promptly medical care and the opportunity to follow treatment recommendations
- Recuperate more quickly
- Reduce the health impact on day-to-day functioning
- Prevent more serious illnesses from developing
- Reduce the spreading of diseases to the workplace and community.

Thereby, paid sick leave aims at improving health outcomes and productivity due to faster recoveries. It also addresses income security and avoids sickness-induced financial hardship. By providing continued job and income security, it is a prerequisite for accessing health care services and a tool against discrimination at the work place.

Maternity leave: The mother's right to a period of rest in relation to childbirth is a crucial means of protecting the health of the mother and her child. Convention No. 183 extends the period of leave from 12 weeks as foreseen in the earlier Conventions to a minimum of 14 weeks, six of which must be taken following the confinement. Recommendation No. 191 suggests that this period be at least 18 weeks. The Convention also establishes a right to additional leave in case of illness, complications or risks of complication arising out of pregnancy. An essential part of maternity leave is the right to return to the same work, or one with the same pay, upon return from the leave (Articles 4 and 5). Convention No. 183, like its antecedents, provides for a compulsory leave of six weeks after the birth of the child, during which the mother must not be allowed to work. This is intended to protect the woman from being pressured to return to work when it could be detrimental to her health and that of her child. **(Ixi)**

Public holidays: Workers are entitled to paid holidays during national and officially recognised public holidays. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of Convention 132 Holidays with Pay. During such holiday period, workers shall receive at least their normal or average remuneration. **(Ixx)**

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Shop and Office Employees Act, Sec: 6 (1) b - Annual holidays of 14 days of which not less than seven days shall be consecutive days to be taken, on days agreed upon by the employer and employee.

Shop and Office Employees Act, Sec: 6 (3) - on account of private business, ill -health or other reasonable cause leave with full remuneration or an aggregate of periods not exceeding seven days, and the employer shall and be liable to pay such remuneration.

No national standards exist, regarding sick leave. However, well established firms, Government Corporations, and Statutory Bodies and Authorities have initiated sick leave schemes and grants them under certain restrictions for their employees.

S&OE specifies that:

Casual leave with pay can be taken on private business or ill -health for a period not exceeding seven days. During the first year of employment for every two months in service, one day casual leave is allowed with pay. Starting from the second year the full quota can be utilised.

(Ixi) Women's Employment Maternity Benefits Ordinance, Sec: 10 B (1) - The employer shall not employ during the period commencing on the date a woman expects to be confined and date ending of her confinement on any such work which may be injurious to her or to her child. Within a period of three months, the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day not to exceed forty-eight in any week; (2) The overtime employment of a woman or young person shall be subject to the following conditions:- (a) the total number of hours worked, including overtime, by a woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed sixty hours in any week; (b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not in the case of young persons extend outside the hours specified. (2A) An employer shall not engage in overtime- a pregnant woman during her pregnancy; and (b) a nursing mother, for a period of one year calculated from the date of birth of the child; and (c) a woman delivered of a still-born child, for a period of three months calculated from the date of birth of such still birth, as she expresses her consent to be engaged in overtime, in writing.

The Women's Employment Maternity Benefits Ordinance specifies :

The working hours of women and young persons. Exclusive of intervals allowed for meals and rest, they are: (a) per day working hours not to exceed nine (b) in a week not to exceed forty eight (c) overtime work by a woman or a young person for a week should not exceed sixty hours. This includes the normal period of employment during this period (d) a woman or a young person should not exceed more than twelve hours in any day inclusive of overtime (e) A pregnant woman, nursing mother cannot be employed on overtime work without adhering to the restrictions of the law.

(Ixx) Shop and Office Employees Act, Sec: 7 (2) - Leave entitlement- A person to whom the provisions of Subsection (1) apply may, notwithstanding, these provisions, be with the prior sanction of the Commissioner, employed for a normal period of employment on any day declared to be a holiday for this Section, but in any such case that person shall instead be allowed a holiday with full remuneration on or before the thirty first day of December, next succeeding, or be paid remuneration for his employment on the day so declared to be a holiday at a rate which is double the rate at which such person is ordinarily remunerated for such employment on any day.

Conditions of work: hours of work, wages and leave

S&OE requires that:

The Commissioner's approval should be sought to employ a worker on a public holiday. If employed, he/she must be allowed a day off with pay before the end of the year or he/she should be paid doubled the normal salary for being employed on the said public holiday.

Paternity leave: Some countries provide specifically for paternity leave by granting new fathers a short period of leave around the time of childbirth. No international standards exist concerning paternity leave, but it is becoming increasingly common in national law and in enterprise practice. The growing frequency of this leave, particularly in collective bargaining agreements, may be an indicator of the increasing importance attached to the presence of the father around the time of childbirth. The duration of paternity leave ranges between two to 15 days and it is usually paid. In a number of countries, there is no specific paternity leave, but there is a more general emergency leave or family leave which can be used by new fathers, as illustrated in the table. In Sri Lanka, paternity leave is allowed only at the discretion of the employer. The laws have not been made to that effect, but some establishments do grant paternity under specific conditions.

Parental leave: Refers to a relatively long-term leave available to either parent to allow them to take care of an infant or young child over a period of time usually following the maternity or paternity leave period. As provided in the Recommendation on Workers with Family Responsibilities, 1981 (No. 165), both the mother and the father should have a right to take parental leave. The dispositions concerning parental leave are highly variable. The EU Directive on Parental Leave (96/34/EC) stipulates that it should be available to both parents of children less than 8 years as an individual entitlement. The duration of parental leave should be a minimum of three months, and workers must have the right to return to work to the same or a similar job. *However, note that no such institutions are in existence in Sri Lanka.*

Topics for review and group discussion

- What do you think might be some of the effects on employees who have to work excessive or highly irregular working hours? What kind of impact could these situations have on health, home and family life? And what impact could these situations have on the workplace as a whole in terms of safety, quality and efficiency?
- What kind of job are you aiming for, and what would you consider to be an appropriate starting, take-home salary that would include all necessary deductions?
- Do you know what the minimum wage is in your country? Do you think it is enough to live on? Do you or anyone else you know work for the minimum wage? Do you feel it meets basic needs?
- What do you feel are the most important elements of a work arrangement – beyond the wage that is received? Rank them in order of importance and provide your reasoning.

Session 5 Occupational safety and health

Learning objectives

At the end of this session participants will be able to:

- List employers' and workers' rights and responsibilities with respect to safe workplace practices;
- Identify health and safety risks at work and suggest measures to minimize them.

Delivery time

- 120 minutes

Activities

- Hunt the hazard!
- Safety pyramid.

Introduction

This session is divided into three parts. The first part aims at familiarizing participants with the rights and responsibilities of workers and employers on safety and health in the workplace. The second part introduces definitions of health hazards and risks and defines methods to identify them. The last part focuses on the measures that can be taken to minimize risks in the workplace.

In lieu of the group activities presented in this session, the facilitator can organise a workplace visit. In the context of occupational safety and health, it would give participants the opportunity to identify hazards as well as the measures taken to control them on-site. If possible, participants should be allowed to interview both workers and employers on the measures undertaken to improve the safety and health in the enterprise. A work place visit needs to be planned in advance and participants need to be briefed prior to the visit. Ideally, they should be organised in small groups to 'inspect' different areas of the work place. Back in class, using different colours, participants may map hazards on a drawing of the floor plan ,for example, red for safety hazards, green for chemical hazards, blue for other health hazards, etc. The floor plans also need to indicate the safety measures that are already in place to minimize risks. The teams should complete their findings by adding any diseases and injuries that might result from the identified hazards.

Safety and Health: Rights and responsibilities in the workplace

Young workers are especially at risk of suffering from occupational injuries. This may occur because they are trying too hard and/or work too fast to make a good impression. Often they are unaware of the dangers posed by the equipment they are working with or are unfamiliar with the workplace. An eagerness to show that they can do the job may increase the probability of injuries. As new recruits, they do not want to "make trouble" and may hesitate to report unsafe working conditions. Additionally, young workers who are not fully aware of their rights or are not yet confident enough in their job, might follow the instructions of their supervisor even when they have doubts that they are capable of carrying out the assigned task. Finally, many young people start in the labour market with jobs that are of short duration, including seasonal employment. For this reason, some enterprises may be reluctant in investing in OSH training for young workers. **(Ixxi)**

Many occupational accidents can be avoided when workers are aware of the risks and know how to eliminate or minimize them. They should know that they are also responsible for protecting themselves and keeping the workplace safe. A person who does not clean up spilled liquids and causes a fellow worker to slip, or a person who thinks it is possible to carry out a certain task alone and sustains injuries as a result, are just two examples of this.

The Sri Lankan Context - Occupational Health and Safety

Some employers offer jobs that are of short duration or seasonal employment and may be reluctant to offer a fully fledged occupational health and safety training for young workers. However, if they are covered under the Factories Ordinance, they must be aware of the rules and regulations governing such employment. For that purpose they should look into:

(Ixxi) The Ordinance to make provision for the Safety and welfare of workers in Factories -is **Factories Ordinance number 45 of 1942 Part ii – (Health General Provisions) Part iii – Safety General Provisions)** and one is further informed about the Sri Lanka National Institute of Occupational Safety & Health (**Act. No. 38 of 2009**) – SLNIOSH, which conducts Diplomas and Certificate courses for safety officers in line with the Vocational Training Authority. A factory does not mean only working inside a building. It covers even open air work places such as building construction or any other manufacturing or production done outside enclosures for the purpose of sale and as a business concern.

Box 5.1 Occupational health and safety (OSH) in the world today

The International Labour Office (ILO) estimates that, globally, 2.3 million people die annually from work-related accidents and diseases. And occupationally-related deaths appear to be on the rise. Moreover, each year there is an estimated 270 million non-fatal work-related accidents (each resulting in at least three days' absence from work) as well as 160 million new cases of work-related diseases. Occupational safety and health is a concern to governments, employers, workers and their families. While some industries are inherently more hazardous than others, groups such as migrants or other marginalized workers, are often more at risk of experiencing work-related accidents and ill health, since poverty frequently forces them into unsafe occupations.

Accidents and diseases at work often have several contributory causes; organizational, physical and human factors can all play a part. Some industries entail a wide range of risks. For example, in mining, workers may operate fast-moving equipment in poorly lit environments; they may often be exposed to hazardous dusts and fumes and may face risks of explosion or fire. **(Ixxii)**

Work-related accidents and ill-health place heavy human and economic burdens on workers and their families as well as on enterprises and on society as a whole. The global economic costs of work-related accidents and diseases amount to the equivalent of four per cent of the world's gross domestic product - more than 20 times that pledged for official development assistance. Conversely, there is clear evidence that healthy workforces both enhance business productivity and benefit enterprises and national economies by reducing the number of accidents and diseases and lowering the number of insurance and compensation claims.

Source: ILO, My life... My work... My safe work. Managing Risk in the Work Environment, ILO Geneva 2008

The facilitator should encourage participants to think of the responsibilities they have in minimizing any safety and health hazards at their own places of work. The responsibility for healthy and safe workplaces belongs to everyone in the workplace, to the degree that each person has the authority and ability to do so. Employers have the greatest control over the workplace and have legal responsibility for health and safety. However, in many

enterprises the employers are not aware of every single risk in the work place. They rely on individual workers to identify risks and propose measures to eliminate or minimize them effectively.

The responsibilities of employers and workers should be seen as complementary and mutually reinforcing the common task of promoting occupational safety and health to the greatest extent possible within the constraints of national conditions and practice. The facilitator should summarize employers' and workers' responsibilities in ensuring health and safety in the workplace.¹⁵ Some examples are provided in Box 5.2.

The Sri Lankan Context - Occupational Health and Safety

(Ixxii) Factories Ordinance, Sec: 51(1) - In every factory where, in connection with any process carried out, it gives out dust, fume or other impurity of such nature and to such extent likely to be injurious or offensive to the persons employed; any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust, fume or other impurity and to prevent it accumulating in any workroom; and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust, fume or other impurity, so as to prevent it entering the air of any workroom.

(2) No stationary internal combustion engine shall be used unless - (a) provision is made for conducting the exhaust gases from the engine into the open air; and (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom, in which persons are employed other than persons attending to the engine, so as to prevent any injurious fumes from, the engine entering the air of the room or part of the room.

The FO specifies that:

To prevent any dust, fumes, or other impurity likely to injure persons working in a factory, exhaust appliances must be fixed, to protect the persons against inhalation of such nature. Exhaust gases from an engine should not be let off into the open air. The engine should be partitioned off any work room in which persons are employed.

¹⁵ Table adapted from Government of Saskatchewan, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p 51. Available online at: <http://www.readyforwork.sk.ca/teachers/resource-binder.htm>.

Box 5.2 Responsibilities of employers and workers

Employers	Workers
<ul style="list-style-type: none"> - Providing a safe and healthy work place. - Providing the information and training needed to protect the health and safety of workers. - Arranging for the regular inspection of the workplace, tools and equipment to ensure safety. - Ensuring that tools, machinery and equipment are properly maintained. - Promptly correcting unsafe conditions and activities reported by supervisors or workers. - Knowing and complying with health and safety requirements. 	<ul style="list-style-type: none"> - Taking responsible care to protect their health and safety and that of other workers. - Cooperating with employers on occupational safety and health (OSH) issues. - Using safe work procedures, safeguards and personal protective equipment (PPE). - Reporting hazards (such as unsafe situations and activities) immediately. - Participating in health and safety training. - Knowing and complying with health and safety requirements.

These responsibilities are reflected in three basic workers' rights:¹⁶

- 1) The right to be informed about workplace hazards and how to deal with them. Since employers have the responsibility to provide a safe and healthy workplace they have to inform and train workers on how to deal with hazards. Training for new workers needs to include: safety procedures and practices that are specific to the industry or type of work; information about any hazards in the workplace and the procedures developed to minimize risks; use of signs to identify hazardous materials and the precautions to be taken when working with these; procedures in the event of fire or other emergencies; identification of prohibited or restricted areas; personal protective equipment; and procedures for reporting hazards and accidents. **(lxxiii)**
- 2) The right to participate in health and safety activities in the workplace. This includes the right of workers to join occupational health committees established to provide advice on the improvement of health and safety in the workplace **(lxxiv)**. These committees may be mandatory under certain conditions, for instance in enterprises with a minimum number of workers).

¹⁶ Text based on Government of Saskatchewan, *Ready for Work*, III Safety Works: Occupational Health and Safety for Young Workers, Saskatchewan, 2005, p 56-100.

The Sri Lankan Context - Occupational Health and Safety (continued)

(Ixxiii) Factories Ordinance, Sec: 26 - (i) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and has received a sufficient training to work at the machine; or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

Factories Ordinance, Sec: 99 - (i) Notification and Investigation of Accidents and Industrial Diseases
61. (1) Where any accident occurs in a factory which- (a) causes loss of life to a person employed in that factory; or (b) disables any such person for more than three days from earning full wages at the work at which he was employed; or makes any such person unconscious as a result of heat, exhaustion, electric shock or inhalation of irrespirable or poisonous fumes or gases, written notice of the accident, in such form and accompanied by such particulars as may be prescribed shall forthwith be sent by the occupier or manager or the superintendent in the case of estate factory, to the District Factory Inspecting Engineer. These committees are not mandatory in Sri Lanka.

FO requires that:

Young persons employed must be instructed as to the dangers in connection with machines and the precautions to be observed. Sufficient training must be given or should be under supervision by a knowledgeable and experienced person. If any accident occurs, causing loss of life, or disables any person more than three days from work, or inhalation of poisonous fumes, or gases, a written notice shall be sent forthwith to the District Factory Inspecting Engineer.

(Ixxiv) FO 99 (1) - There shall be an Industrial Safety and Health Advisory Committee consisting of - (a) the Chief Factory Inspecting Engineer, who shall be chairman; and (b) four other members to be appointed by the Minister, of whom at least one member shall :

(i) represent the interests of the occupiers of factories,

(ii) represent the interests of the persons employed in factories, and (iii) be a specialist in the field of industrial safety and health. (2) It shall be the duty of the Industrial Safety and Health Advisory Committee- (a) to advise the Commissioner on all matters incidental or relating to the safety, health and welfare of workers in factories and all other matters which the Commissioner may refer to the Committee; (b) to advise the Minister on all matters which the Minister may refer to the Committee; (c) to perform and exercise such duties and powers as may be prescribed by or under this Ordinance. *These committees are not mandatory in Sri Lanka.*

(iii) even government offices are covered under this Section, if there is a workshop, which can be defined within the purview of the FO.

There should be a Committee formed and dealing with Industrial Safety and Health as per the FO.

- 3) **The right to refuse** work that is unusually dangerous to themselves or others. "Unusually dangerous" work means that which is not normal for the job and could lead to a situation for which the worker is not properly trained, equipped or experienced. The worker who refuses to carry out work that he/

she considers unusually dangerous needs to inform the supervisor of the refusal and accordingly be protected from discriminatory action, such as unjustified dismissal.

Workers, as well as employers must guarantee that these rights are protected and must strive to establish and maintain decent working conditions and a decent environment. This means specifically that:

- Work should take place in a safe and healthy working environment;
- Conditions of work should be consistent with workers' well-being and human dignity;
- Work should offer real possibilities for personal achievement, self-fulfilment and service to society;

The preamble of the ILO Constitution specifically provides that “the protection of the worker against sickness, disease and injury arising out of employment” is a fundamental element of social justice and has been reaffirmed ever since. The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues. The Occupational Safety and Health Convention, 1981 (No. 155) and its 2002 Protocol and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) were identified as the three key instruments in the area of occupational safety and health. Furthermore, in 2003, the ILO adopted a global strategy to improve occupational safety and health which included the introduction of a preventive safety and health culture, the promotion and development of relevant instruments, and technical assistance.

Rights@work Cards: The facilitator can prepare Rights@Work cards with the relevant information taken from the labour Code in question.

Identifying risks in the workplace

When thinking about risks in the workplace, many people immediately imagine especially dangerous occupations like mining or construction. Few people think about the dangers that are present in occupations like office work or service sector jobs. It is, therefore, necessary to raise participants' awareness to the fact that occupational hazards can exist in any workplace. “Hazard” is defined as any activity, situation or substance that can cause harm, either physically or mentally. Hazards can be divided into two broad categories: health hazards and safety hazards. Box 5.3 below provides a definition of these terms.¹⁷

¹⁷ Text based on Government of Saskatchewan, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p. 69.

Occupational safety and health

Box 5.3 Health and safety hazards

Health hazards	Safety hazards
<p>Generally, health hazards cause occupational illnesses such as noise-induced hearing loss, respiratory problems caused by exposure to chemical substances or repetitive strain injuries. A health hazard may cause long-term or chronic problems. Someone with an occupational illness may not recognise the symptoms immediately. For example, hearing loss is often difficult to detect until it is advanced. There are five types of hazards that can cause occupational illnesses:</p> <ul style="list-style-type: none"> - Chemical hazards: gases, vapours, liquids, or dust that can harm a worker's body. Examples: cleaning products, battery acid or pesticides. - Biological hazards: living organisms that can cause diseases such as influenza, hepatitis or tuberculosis. Examples: bacteria, viruses or insects. In the workplace, a person can be exposed to biological hazards through contact with used needles, sick persons, animals, etc. - Physical agents: energy sources that is strong enough to harm the body. Examples: heat, light, vibration, noise or radiation. - Ergonomic hazards: furniture, fixtures, equipment of poor design, or movements. Examples: dim/blinking lights, repetitive movements, inappropriate seats. 	<p>Safety hazards can cause immediate accidents and injuries that can include burns, cuts, broken bones, back injuries or even death. Some of the main safety hazards include:</p> <ul style="list-style-type: none"> - Slipping/tripping on electrical cords across floors or spilled liquids. - Fire or explosive hazards caused by flammable material or explosive chemicals. - Moving parts of machinery, tools or equipment; blades. - Overhead work, such as that done on scaffolds or ladders. - Pressure systems, such as steam boilers or pipes. - Driving, riding or working near vehicles, such as forklift trucks and lorries. - Lifting heavy loads and other manual/handling operations. - materials falling from overhead, or as a result of rolling or shifting - Violence from other workers/staff/customers/public. - Working alone or in isolated places.

- It is the employer's responsibility to train new workers on hazards or risks. As new workers, young people might not feel comfortable asking a lot of questions. But if they do not ask the questions and the employer does not train them to work safely, they will never be aware of the hazards and will be more likely to have an accident. The facilitator should make clear to participants that if they do not know or understand something, they should always ask for explanations or more information.¹⁸

¹⁸ Text based on Government of Saskatchewan, *Ready for Work, III Safety Works: Occupational Health and Safety for Young Workers*, Saskatchewan, 2005, p. 69.

Activity 5.1

Hunt the hazard !

- This activity is geared to building participants' ability to identify safety and health hazards. Divided into groups of four or five people, each team is asked to identify the hazards in the workplaces shown in the photos provided in the Toolkit (fast-food kitchen, grocery store, office and petrol station) and list related occupational illnesses and injuries that may occur in each workplace. If time is limited, the facilitator may merge this activity with the Safety Pyramid exercise that follows. In this case, the facilitator may display one or two pictures only, then ask participants to identify the hazard, together with ways to control it. If the training workshop is organized for young people who are still in school, the facilitator can organize a Classroom Hazard Hunt. This activity is geared to help participants understand that classrooms, much like workplaces, can have their own kinds of hazards that should be identified and reported. Participants are asked, in small groups, to observe their classroom (floors, walls, lighting, ventilation, noise, temperature) and list possible hazards. During this activity the facilitator will help participants categorize hazards by type ,chemical, biological, physical, ergonomic, etc. and to stress that some hazards may have an immediate impact (safety hazard) as well as long-term consequences (health hazard).

Controlling hazards in the workplace

During the group activity on hazard hunting, the facilitator will have the opportunity to discuss the means and methods that can be used to minimize risks in the workplace. These include:

1. **Remove the hazard:** The best measure is to remove the hazard from the workplace altogether, or to keep it isolated. For instance, put guards around sources of a spill, install slip-resistant flooring, and use physical safeguards to protect users from moving parts of equipment and blades. In this way, the workplace becomes safer and the responsibility does not fall exclusively on individual workers.
2. **Improve work policies and procedures:** This method applies when it is not possible to completely eliminate the hazard or keep it isolated. Good safety policies can reduce the workers' exposure to dangerous equipment or liquids. For instance, put up "caution" signs and clean up spills immediately.
3. **Use protective clothing and equipment:** Even when uncomfortable and cumbersome, workers must use them if required. PPE does not eliminate the hazard itself and, therefore, is the least effective hazard control mechanism. An example is wearingslip-resistant shoes, or a rigid helmet or "hard hat" to protect the head.

Every worker has the right to know about workplace hazards and how to deal with them. Box 5.4 lists some questions that may serve as a guide for participants to discuss health and safety issues with their employer.

Box 5.4 Questions to ask your employer on OHS

- When will I receive job safety training and orientation?
- What are the hazards or risks I should be aware of?
- Who do I talk to if I have questions about how to carry out a task safely?
- If I notice something wrong, to whom should I report?
- What health and safety procedures do I need to follow?
- What safety equipment do I need to do the job?
- Will I receive training on the use of personal protective equipment (PPE)?
- What should I do in case of an emergency? Who do I need to inform if I get hurt?
- Where do I find fire extinguishers, first aid kits, and emergency assistance. What are my responsibilities regarding health and safety? ? **(lxxv)**

If, after reporting a hazard, the worker still doesn't feel safe, he/she should talk to the employer and ask for a full explanation so that all his/her questions are answered. Workers can also contact the worker member of the Health and Safety Committee, which usually exist in work places where there are 20 or more workers (other than a construction project) or the worker Health and Safety Representative (where there are six to 19 workers). Also, some large companies have a health and safety department, workers can contact one of their health and safety professionals. It's part of their job to answer questions and give advice. The facilitator should provide young workers with a list of the persons they can contact, when necessary. In case of perceived breach in the occupational health and safety norms, a young worker could contact the Factory Inspecting Engineers working under the Department of Labour headed by a Commissioner of Labour (Technical) who is coming under the Commissioner General of Labour. Every district in Sri Lanka has a District Factory Engineer to look in to the affairs under the ordinance. Further there is a medical doctor attached to the occupational safety and health division under the per view of the Commissioner General. **(lxxvi)**

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(lxxv) There shall be provided and maintained so as to be readily accessible, a **First-Aid** box or cupboard of such standard as may be prescribed, and where more than one hundred & fifty persons are employed an additional box or cupboard for each additional one hundred and fifty persons. Regulation–(1). These regulations may be cited as the **Factories (First Aid) Regulations, No.1 of 1995.**(2). These Regulations shall apply to all factories as defined in **Section 126 of the Factories Ordinances as last amended by the Factories (Amendment) Law, No. 12 of 1976.**

These regulations require that:

A **First-Aid box** must be maintained, if more than 150 persons are employed. An additional box must be provided for every additional 150 persons.. **First Aid boxes** must be provided, with necessary appliances or requisites.

(lxxvi) **FO, Sec: 61** - Notification and Investigation of Accidents and Industrial Diseases. Where any accident occurs in a factory which-(a) causes loss of life to a person employed in that factory; or (b) disables any such person for more than three days from earning full wages at the work at which he was employed; or makes any such person unconscious as a result of heat, exhaustion, electric shock or inhalation of irrespirable or poisonous fumes or gases, written notice of the accident, in such form and accompanied by such particulars as may be prescribed shall forthwith be sent by the occupier or manager or the superintendent, in the case of estate factory, to the District Factory Inspecting Engineer or can contact : (2) The Commissioner of Labour – (Technical) (3) The Deputy Commissioner of Labour (Occupational Health & Hygiene)

Activity 5.2

Safety pyramid

This activity aims at strengthening participants' ability to manage hazards in the workplace. The activity is built on a pyramid drawn on a flip-chart and divided into three parts. Each part lists one of the three methods for managing hazards -remove the hazard, improve work policies and procedures, wear protective equipment, each of which is worth a certain number of points. Participants are divided into small groups of 3-4 persons. One person in the team will act as writer and another as runner. Each team has its own set of coloured cards, so that points can be awarded to each team at the end of the exercise. The teams have three minutes to read the story-board that accompanies each picture, then write their solution to preventing each accident from re-occurrence on their cards, and send the runner to post their card on the corresponding part of the pyramid. The facilitator can organise as many rounds as there are pictures/ storyboards or decide a winning score.

He/she should guide the activity by offering alternatives – if available – to the answers provided by participants.

Topics for review and group discussion

- Identify ways in which both employers' and workers' interests are similar with regard to maintaining a safe and healthy workplace. What are the key areas in which they can collaborate to achieve health and safety goals? What can the employer do to ensure that the workers participate fully? What are the workers' responsibilities?
- How best can young workers come to understand the critical importance of having a safe and healthy workplace? What particular concerns and interests do they have that might offer a clear connection to health and safety goals at the workplace?
- Name some specific health and safety hazards which might not be readily apparent, but could cause serious health problems later in a worker's life. Name some ways that workers and employers can use to become better informed about the effects of these hazards and the need to address them.
- What are the main economic and societal benefits of successfully addressing health and safety concerns at the workplace?

Session 6 Exercising rights at work

Learning objectives

By the end of this session participants will be able to:

- Apply strategies to address problems caused by unfair workplace practices;
- Manage disputes with employers.

Delivery time

- 180 minutes

Activities

- Managing conflict in the workplace: So you are upset.....
- What's your style?
- ...and we haven't heard the last of it!

Exercising rights at work

Introduction

Knowing about rights at work is important, but that, in itself, is not sufficient to ensure that these rights are respected. This final session of the training workshop focuses on strategies to help young people manage conflict in the workplaces and protect their rights. Negotiation skills and the ability to raise issues constructively are at the centre of these strategies, as well as the ability to identify those persons, organizations and institutions that can help when addressing a dispute in the workplace.

At this stage of the workshop, it is recommended that the facilitator invite a trade union or workers' representative to share some real-life experiences with the participants and discuss their fears and hesitations in raising difficult issues with employers. It is especially important to point out that, on an individual basis, it might be complicated to become an advocate of workplace fairness, but by joining a trade union and/or workers' council, the voice of the worker is taken more seriously and is better heard.

Raising issues constructively¹⁹

For many new employees in an enterprise, it is difficult to find a balance between fulfilling expectations, proving themselves to be valuable employees and claiming their rights at work. Young recruits might find it difficult to exercise their rights, especially if they feel pressured not to cause trouble or to give a negative impression.

Anger is usually the first reaction of workers who know, or feel, their rights have been violated. The first impulse may be to confront the supervisor/employer. However, although anger is a natural reaction, it is important to step back and channel it in a constructive way.

When a problem occurs in the workplace, the first step should be to determine one's own rights and responsibilities. Getting in touch with the workers' council, trade union or a mediation/conciliation body may be a useful way to find out about rights and responsibilities in a given situation. There are always consequences when one gives in to anger, such as losing credibility with colleagues. Also, most employers will not tolerate a worker who uses aggression to address workplace problems. Here are some general rules for managing anger in the workplace in a constructive manner:

- *Recognize and admit the anger.* Anger is a natural human feeling. Denying or rejecting anger, feeling guilty or apologetic for being angry or re-living the incident over and over is just counter-productive and energy-draining.
- *Try to understand the other person's perspective and/or what s/he intended.* It is important for all parties not to jump to conclusions about the other person's intentions and to try to see the issue from another point of view as well as getting all the facts.
- *Decide what to do with the anger.* Consider the risks and benefits of expressing anger directly to the other party, or indirectly (for example to a friend), or not expressing it at all. The decision to act immediately, later or not at all will depend on what power the object of the worker's anger has over his or her job security and how important the relationship is to the worker. In coming to a decision, the young worker needs to think about how reasonable the other person is. For example, is he/she likely to make his/her life miserable if he/she feels offended, hurt, or threatened by what the worker says? Is it better to talk directly to the person involved, or perhaps blow off steam in another way?

¹⁹ Adapted from Saskatchewan Ministry of Advanced Education, Employment and Labour, *Ready for Work, VIII Fairness works: Labour standards for young workers*, 2008.

- Express the anger directly, if appropriate. Timing may be a significant factor. It is important to wait until there is enough time to discuss the problem in private and without interruption. The manner in which the discussion is started and handled may also determine its success.
- Express the anger indirectly when it is inappropriate to express it directly. If expressing the anger directly is inappropriate, participants should try some indirect way. This may include talking privately to a trusted person or blowing off steam elsewhere.

The second step for workers to address their concerns about labour standards should be to **discuss the issue with the employer and ask him/her for an early resolution**. Workers should start by talking to their employer about any unfair or unsafe working conditions. It is important to emphasize that most employers want the opportunity to address any problems before external intervention. There are many factors that could affect the outcome of the discussion(s) with the employer. For example:

- Employers may not be aware of the law or they may not know how the law specifically affects the particular situation. If possible it is important that both employee and employer take the time to 'discuss' the matter and seek advice and information as needed. Some employers may be open to discussing working conditions and/or receiving information or suggestions while others may not. However, the discussion could result in actions that the worker may see as unfair disciplinary or retributive.
- The manner in which the employee initiates the discussion can decide its outcome so a good way to start the discussion would be to ask at the outset for information or clarification on the issue at hand.

If workers decide it is impossible to approach the employers or if their attempts have been unsuccessful, they may want to seek the assistance of labour authorities (**early resolution**). If the labour law has been disregarded, these institutions can, with the worker's consent, call the employer on the worker's behalf to discuss the issue. It is important to note that most employers tend to respond quickly to complaints made about working conditions in their workplaces.

If this doesn't work, a third step would be to make a formal complaint to the appropriate institutions (this may be the Ministry of Labour or the Labour Dispute Council or a mediation entity). (**lxxvii**)

In some cases, workers may opt not to pursue his/her complaint immediately. For instance, they may decide to wait and file a complaint once they have left the workplace. However, any worker who wants to file a complaint should know that there are specific timelimits within which complaints can be filed. (**lxxviii**)

Also, in some countries, labour authorities will accept and investigate anonymous or third-party complaints (anonymous tips) where there is specific evidence to suggest non-compliance with the labour law.

Each country has its own system of labour dispute resolution. The facilitator should research the mechanisms in force in the country to provide suggestions (see Box 6.1).

Sri Lankan Context - Exercising your rights

Industrial Disputes Act stipulates four degrees of legal procedure: (i) Conciliation (i) Voluntary Arbitration (ii) Compulsory Arbitration (iii) Industrial Court

(lxxvii) As explained in **Sec: 2(1) of ID** - Functions of the Commissioner and circumstances in which industrial disputes will be referred for settlement by conciliation or by arbitration or by an Industrial Court. **2(2)** - for the purposes of this section, "Commissioner includes a Labour Officer". **3(1) (d)** If the parties to the Industrial Dispute their representative consent, refer that dispute, by an order in writing, for settlement by arbitration to an arbitrator nominated jointly by such parties or representatives, in the absence of such nomination, to an arbitrator or body of arbitrators appointed by the Commissioner or to a Labour Tribunal.

Sec: 36 (1) - any Industrial Court, Labour Tribunal, Arbitrator, Authorized Officer or Labour Officer or the Commissioner shall, for the purpose of this Act, and the Commissioner or an Inspector of Labour shall for the purpose of promoting a settlement of any industrial dispute by means other than those referred to in this Act, have power, by order- (a) to require any person to furnish, in writing, such particulars as that court, tribunal, Arbitrator or Authorized Officer or the Commissioner or that inspector may consider necessary; (a) to require the parties or the representatives of the parties to an industrial dispute which is being investigated or inquired into by that court, tribunal, Arbitrator or Authorized Officer or officer or the Commissioner or that inspector to be present for interrogation in regard to that dispute on such date and at such time and place as may be notified to them. (b) to require any person to give evidence on oath or otherwise before that court, tribunal, Arbitrator or Authorized Officer or the Commissioner or that inspector; and (c) to require any person to produce such documents as the court, tribunal, arbitrator or authorized officer or the Commissioner or that inspector may consider necessary.

(lxxviii) **Industrial Disputes Act, Sec: 31 B (7)** - Every application to a labour tribunal under paragraph (a) or paragraph (b) of subsection (1) of this section in respect of any workman shall be made within a period of six months from the date of termination of the service of that workman.

Termination of Employment of Workmen Act, Sec: 6B(1) - No order shall be made by the Commissioner under section 6 or section 6A in pursuance of an application made by a workman unless such application was made within six months of the termination to which such application relates.

The ID requires that:

In case of an unresolved dispute on termination, application to a Labour Tribunal should be made within a period of six months from the date of termination.

Labour Tribunal has the power to look in to termination of employment, to grant gratuity for whom **Gratuity Act** does not apply and to rectify a forfeiture of any sum of money deducted from the gratuity amount by the employer. This is a Judicial Tribunal which delivers orders and can apply to higher courts on these orders only on a point of law.

TEWA – Application by a workman must be made within six months from the date of termination. No Employer can terminate the services of any worker unless he gives his consent in writing or the employer gets the approval of the Commissioner for such termination, if the worker is covered under this Law. For any unjustifiable terminations employer will have to compensate according to the Formulae Package gazetted under the Act to pay such amount of money to the affected worker as compensation.

Box 6.1 Mechanism to settle labour disputes

Conflict is inevitable in employment relations. The ideal situation is for parties to negotiate voluntarily without third-party intervention. Where negotiations fail, there are usually mechanisms that can be used by the aggrieved parties. ILO Recommendation No 130 (*Examination of Grievances Recommendation, 1967*) guarantees workers the right to lodge grievances where the employer's actions are contrary to either relevant legislation, the employment contract or the collective agreements. **Convention No 154** (*Collective Bargaining Convention, 1981*) provides that bodies and procedures for the settlement of labour disputes should be effective and their method of operation should be autonomous, accessible, informal, expeditious and consensual.

In the context of labour disputes resolution, "alternative disputes resolution" (ADR) mechanisms are increasingly being used. This term describes a wide variety of mechanisms from facilitated settlement negotiations, in which the parties are encouraged to negotiate directly, to arbitration systems or mini-trials that look very much like a courtroom procedure. ADR systems are generally categorized into negotiation, conciliation/mediation, or arbitration systems. Negotiation encourages and facilitates direct negotiation between parties in a dispute, without the intervention of a third party. Mediation and conciliation systems are very similar, but they include a third party between the disputants, either to mediate a specific dispute or to reconcile their relationship. Mediators and conciliators may simply facilitate communication, or may help structure a settlement, but they do not have the authority to decide on a settlement. Arbitration systems authorize a third party to decide how a dispute should be resolved.

Source: ILO, *Collective Bargaining and Labour Disputes Resolution*, ILO Issue paper No 30, 2008

Activity 6.1

Managing conflict in the workplace: So you're upset ...






This activity is designed to help participants identify and practice strategies for dealing with workplace problems and the anger that may result from unfair treatment. Participants are divided into two teams, each with its own case. Each team is required to read the dialogue between employee and employer, identify the problem, determine the rights and responsibilities of both parties and decide what the worker should say and do. The teams' answers are then shared and discussed in a wrap-up session. At the end of the activity the facilitator should distribute a handout that provides examples of things to say and to do for each of the steps. A sample of this handout is provided in the toolkit.

Knowing your conflict management style

There are a number of strategies for handling conflict with a supervisor, employer or colleague. A significant factor in determining the best conflict-management strategy is the worker's individual approach to conflict. Some workers find conflict difficult and will try to avoid it. Others may be determined to win at all costs. There are greater probabilities to successfully addressing conflict if workers/employers are aware of their own (and each other's) personal style. When deciding upon a conflict-management approach, workers need to weigh the importance of both their goals and their relationship with the employer/supervisor/colleague. If achieving goals is more important than relationships, the strategies will need to focus on reaching the goals. On the other hand, if the relationship is important, the strategy will need to be geared toward preserving the

Exercising rights at work

relationship. Generally, there are five personal conflict management styles:

Style	Importance of Goals	Importance of Relationship	Strategy
Teddy Bear 	Unimportant	Very Important	<i>Soothing</i> <p>These people consider that achieving their goal is not important, while preserving the relationship is. They will often let the other person have their own way in order to maintain the relationship.</p>
Turtle 	Unimportant	Unimportant	<i>Withdrawing</i> <p>These people often consider both the goal and the relationship as unimportant. They will often avoid the issue entirely by just walking away.</p>
Fox 	Moderately Important	Moderately Important	<i>Compromising</i> <p>These people consider both the goal and the relationship as moderately important. The Fox will often give up part of the goal and part of the relationship to reach agreement.</p>
Shark 	Very Important	Unimportant	<i>Forcing</i> <p>These people usually engage in total win/lose negotiating, as they consider the goal to be very important and the relationship as unimportant. They will try to force or persuade others to meet their own needs.</p>
Owl 	Very Important	Very Important	<i>Problem Solving/Negotiating</i> <p>These people consider both the goal and the relationship very important. They look for solutions that allow both parties to fully achieve their goals while still maintaining a good relationship.</p>
<p>Adapted from: Saskatchewan Ministry of Advanced Education, Employment and Labour, <i>Ready for Work. VIII Fairness works: Labour standards for young workers</i>, 2008</p>			

The facilitator should encourage young workers to find out their conflict management style. This will help them to more effectively handle conflicts in their workplaces.

Activity 6.2

What's your style?

The aim of this activity is to help participants become familiar with different conflict management strategies. They are divided into two groups, with a case study. Team members are asked to read through the case, then rank each of five given conflict-management strategies from best (1) to worst (5). They will then discuss their choice with the other members of the team. At the end, the teams will review the suggested strategies, determine the advantages and disadvantages of each and record the results on a “Pros and Cons” chart. The facilitator should emphasize that there is no “right” answer to these case studies. Any, all or a combination of the strategies presented could be used to successfully manage the problem at hand. During this activity, the facilitator should discuss various strategies for facing up to different situations:

- In relationships, it is almost always better to deal with the conflict rather than withdraw from it. Forcing, persuading, threatening or manipulating others into giving in, may cause them to seek redress at a later point.
- Workers must consider whether or not the relationship is important to them. They cannot always be certain they will not have to deal with the person at a later date.
- It is important for workers not to give up any goals they really wish to achieve. Giving up a goal may lead to frustration and anger, which could surface again at a later point in time.
- Not all problems or conflicts can be addressed or solved immediately. Some may require a long-term strategy that unfolds over a period of time. If there is time, problem-solving negotiations are often the best choice for addressing problems constructively.
- Not all problems or conflicts can be solved. Accept that the problem may not go away. The relationship may need to be ended. It is possible that, at some point, the person may feel that quitting, being transferred to a different team or department or moving on to a new job may be a more feasible option.

Improving working conditions

Ensuring fairness in the workplace and decent work requires the involvement of governments, employers' organisations and trade unions. Governments, as legislative bodies, set the framework for ensuring decent working conditions through the labour law. Employers' organisations and trade unions represent and protect the interests of their members. Often they have different views, but both organisations have an interest in ensuring decent work. Working conditions and productivity are interdependent: employees are more likely to be productive if they are treated fairly and are safe at their workplace. To resolve any conflict, workers and employers will sometimes need to negotiate their way to a solution. Activity 6.3 allows young workers to practice their negotiation skills. **(lxxix)**

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Activity 6.3

...and we haven't heard the last of it!

This activity is designed as a multi-layered role-play, based on a campaign for a living wage (as opposed to a national minimum wage) that occurred in Colombo City in the 1990s. The Role-play addresses the issues of low-paid work, inequality, workers' representation; the benefits of group campaigns to defend one's rights. The facilitator may wish to prepare a role play that is based on national circumstances. For this, media coverage of a recent discussion between employers' and workers' organizations regarding wages, hours of work, collective bargaining and occupational safety and health may be used for designing the scenario and the roles. This activity should engage participants on a specific issue, while placing them in unfamiliar roles, to encourage them to communicate with other groups more effectively.

In order to prepare well for this session the facilitator should arrange tables and chairs for the groups in such a way that allows participants to see the sign indicating the role that each team has to play. The participants are divided into teams, each playing a different role. Teams have 10 minutes to prepare their negotiating strategy. Each team has one minute to briefly introduce itself and make a short statement of intent to other players. The role-playing starts with the writing of a message as indicated on the role-card of each team. Once a team receives a message from another, they are free to send as many replies as they wish. They might also simulate bilateral meetings with other teams. The role-playing at this stage will take on a life of its own with groups sending/receiving messages and reacting to other groups' statements and actions. If necessary, the facilitator can call for a "final action/message" to conclude the activity. The debriefing session that follows should encourage participants to respond to the following questions.

1. To whom did you decide to write and why? Were their responses satisfactory?
2. Did you manage to achieve what you wanted?
3. What is most likely to happen to the workers in the situation that developed during the role play?
4. Reflecting on the actions taken by the various players, what could your team have done differently?

Topics for review and group discussion

1. How would you describe your personal style? What methods can be used to determine or evaluate the personal style of others, as well as to decide how to approach someone in a conflict or disagreement?
2. What are some well-known incidents or situations from history where individuals or nations entered into conflict after preceding attempts to work out a resolution to their differences failed? Why did these attempts fail? And what else, if anything, could have been done to avoid the conflict?
3. As a worker, what are your options for dealing with an employer who shows no willingness to compromise or understand your side of the story?
4. Are there cases where two sides in a dispute can "agree to disagree" and then move on in a positive manner from there? How might that happen? Construct a scenario in which a positive result could be achieved without a complete settlement of differences.

Closing the workshop

At the end of the workshop, the facilitator should give participants some time to organize the information provided, to ask any additional questions and ensure that they have all the contacts they may need. A good end-of-workshop activity would be a question-and-answer session, with representatives of a trade union on:

- Trade union membership and prevailing conditions of work in national industries; **(lxxx)**
- Terms of the National Collective Agreement; Note that a National Collective Agreement is not in existence in Sri Lanka, but various enterprises, industries, plantation, manufacturing & service sectors have entered into Collective Agreement separately.
- how the trade union can help young workers with grievance procedures and other employment-related issues.

At the end of the workshop, the facilitator should ask participants to evaluate their learning experience. The sample questionnaire in Annex 6 offers a model that can be adapted by the facilitator. The results of this exercise will help the facilitator improve future workshops and other learning events.

Sri Lankan Context - Exercising your rights

- **(lxxx)** Trade Union Membership – 2011:1042016, 2012: 401171.
- Trade Unions registered / cancelled / dissolved / functioning:
- **Registered** -2012 – 114, 2013 – 108
- **Cancelled / dissolved:** 2012 – 02, 2013 – 114
- **Functioning:** 2012 – 2171, 2013 – 2165

Source: Trade Union Division and Statistics Division of the Department of Labour

TOOLKIT

Toolkit Young people and work

Icebreakers

An ice-breaker is an activity that helps the members of a newly-formed group getting to know each other and put them at ease before a group exercise. It can also help participants overcome shyness at speaking before a group of people they do not know. Below are a number of amusing activities, that have been successfully used by other facilitators in a variety of group settings. The facilitator can adapt them to suit each group using some of the suggestions outlined below:

Interviews: Ask participants to pair off. Each person then interviews his or her partner for a set time. When the group reconvenes, each person introduces their interviewee to the rest of the group.

Circle introduction: Have the participants stand in a circle. They have two minutes to find out as much as possible about the person on their left and some interesting facts about him/her. Each person will introduce the person on their left to the whole group.

Ball toss: Participants and the facilitator form a circle and toss a soft ball around the circle. Participants state their names as they catch the ball. When they catch the ball, they should be able to call out the name of the person who tossed it to them.

The little known fact: Ask participants to share their name and what they do for a living, as well as one little known fact about themselves. This “little known fact” becomes a humanizing element that can help breakdown differences between members of the group during subsequent interaction.

Two truths and a lie: Ask each person in turn to confide two true statements, and one false, about themselves. The rest of the group has to guess which one is false.

Coloured cards and Rights@Work Cards

Prior to running the first set of activities, the facilitator should create a set of Rights@Work Cards summarizing the key labour standards in force in the country on the minimum age for employment, hours of work, minimum wage, annual holidays, sick leave, equal pay, dismissal and so on. To do this, he/she should check the following:

The minimum employment age in force in the country.(1)

The occupations for which a higher minimum age is required.(2)

The maximum hours of work allowed per week, including overtime.(3)

The minimum wage in force and the categories of workers that are exempted.(4)

The rate of overtime pay in the Labour Code and/or National Collective Agreement.(5)

Sri Lanka's context is as follows:

1. 14 years of age
2. Employment at night work, please refer : **Shop and Office Employees Act, Factories Ordinance, Employment of Women and Young Children Act,**
3. 60 hours for women and young persons exclusive of intervals.
4. 43 Wages Boards have a minimum wage. Where the **Shop and Office Employees Act** is not in force, workers do not have a minimum wage.
5. Normally it is 1 ½ times the hourly rate, by the **Wages Board Ordinance**: double the hourly rate & triple the hourly rate will apply according to appropriate situations.

Example of Rights@Work Card



In addition to this, the facilitator should summarize, in coloured cards, the core international labour standards that are referenced in the Facilitator's Guide. All of these cards can be used by the facilitator in support of the activities in this and other sessions.

Example of Coloured Cards describing international labour standards

Freedom of association and the right to collective bargaining

These labour standards envisage the right of all workers and employers to form and join organizations of their own choice, to protect themselves against anti-union discrimination and promote collective bargaining. Freedom of association standards provide 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. The right to organize and form employers' and workers' organizations are the pre-requisite for sound collective bargaining and social dialogue. Collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome will be fair and equitable.

C87-Freedom of Association and Protection of the Right to Organise; C98-Right to Organise and Collective Bargaining (6)

Elimination of all forms of forced or compulsory labour

These standards prohibit the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political views, labour discipline, penalisation for participation in strikes (7) and discrimination. Exceptions are provided for work required by compulsory military service, by normal civic obligations, as a consequence of a conviction in a court of law, under specific conditions, in cases of emergency, and for minor communal services performed by the members of a community.

C29-Forced Labour Convention, C105-Abolition of Forced Labour Convention

Minimum working age and prohibition of child labour:

The minimum age standard stipulates that the general minimum age for admission to employment or work is 15 years old (13 for light work) and the minimum age for hazardous work is 18 years old (16 under certain strict conditions). There are specific provisions for the immediate elimination of the worst forms of child labour, including practices similar to slavery, such as the sale and trafficking of children; debt bondage and forced labour; the recruitment of children for prostitution, pornography, armed conflict or drug trafficking; and work that is harmful to their health, safety and morals.

C138- Minimum Age; C182- Worst Forms of Child Labour (8)

Elimination of discrimination (employment and occupation):

This standard prohibits discrimination in access to employment, training and other conditions of employment on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin. The objective is to promote equality of opportunity and treatment, and equal pay and benefits for work of equal value.

C100- Equal Remuneration, C111- Discrimination in Employment and Occupation

The Sri Lankan Context - Non discrimination.

(6) Industrial Disputes Act, Sec: 32 A of No. 56 of 1999 'Unfair Labour Practices' - No employer shall- (a) require a workman to join, or refrain from joining, any trade union, or to withdraw from, or to refrain from, withdrawing from, his membership of a trade union of which he is a member, as a condition of his employment; (b) dismiss a workman by reason only of his membership of a trade union or of his engaging in trade union activities;

(7) Trade Union Ordinance, Sec: (2) - "Strike"-means the cessation of work by a body of persons employed in any trade or Industry Acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons who are, or have been so employed, to continue to work or to accept employment.

(8) Employment of Women, Young Persons and Children Act, Sec: 47 - of 1956 - Regulations – No child shall be employed in any occupation. (Gazette No. 1116/5 of 26-01-2000). A "child" means a person who is under the age of fourteen years;

Activity 1.1

Fair workplaces²⁰

Working in pairs or small groups, each participant has 10 minutes to answer the following five questions.

1. At what age did you (or one of your friends) enter paid work? _____
2. What was the job title? _____
3. How many hours did you (or your friend) work per week? _____
4. How much were you (or your friend) paid? _____
5. If you (or your friend) worked overtime, how much did you (or your friend) earn in overtime pay?

Activity 1.2

Flexibility at work: What are the pros and cons?²¹

Divide participants into two groups. Each team will be provided with two flip-chart pages marked “WORKERS” and “EMPLOYERS”. Each flip-chart is divided into two columns “Pros” and “Cons”. Teams have 10 minutes to discuss the advantages and disadvantages of the following forms of flexible employment for both workers and employers and to record their answers on the flip-charts.

Example 1

Part-time work

Part-time work is all work performed for fewer hours than full-time employment, which is normally 40 hours per week. Usually, a part-time worker is someone who works less than 35 hours per week. Note that in Sri Lanka there is no such stipulation, S&OE Act defined full time employment as working 45 hours per week, WBO describes it as 48 hours per week for full time employment.

²⁰ Adapted from Saskatchewan Ministry of Advanced Education, Employment and Labour, *Fairness works: Labour standards for young workers*, 2008.

²¹ List adapted from Trade Union Congress, *A better way to work, Unit 5: The Future of Work*, Warwick, 2006, p. 18f.

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EMPLOYERS	
Pros	Cons
<ul style="list-style-type: none"> • Better ability to respond to production changes • More flexible work-planning • Lower taxes and social security contributions • • 	<ul style="list-style-type: none"> • Higher taxes and social contributions when more part-time workers are used to cover the same hours as full-time workers • Higher costs incurred to coordinate the work of the extra employees • •

WORKERS	
Pros	Cons
<ul style="list-style-type: none"> • More free time and better balance of work, family and leisure • Entry point into the labour market for young workers. • More workers employed (number) • • 	<ul style="list-style-type: none"> • Lower wages due to shorter hours of work • Lower social security benefits and reduced career opportunities • More intense work (in cases where a full-time workload has to be carried out part-time) • Probability of irregular working hours • •

Example 2

Temporary work
<p>Temporary work is defined as employment for a limited period of time only (it can range from 1 to 12 months or more). Usually, a temporary contract can only be renewed for a limited number of times for the same person. Temporary workers are sometimes employed on fixed-term contracts. These are fixed for a specific, limited amount of time, set in advance. The employment ends when the contract expires, and no notice need be given by the employer.</p>

EMPLOYERS	
Pros	Cons
<ul style="list-style-type: none"> • Encourages greater flexibility, as the number of workers needed varies in accordance with production demands (recruiting when demand is expanding, not renewing temporary contracts during a downturn). • More flexible work planning, as temporary workers may provide cover for permanent staff on holiday, maternity or sick leave. • Opens the door to the recruitment of specialists to carry out specific projects • Can be used as a screening tool to select workers for permanent contracts. • • 	<ul style="list-style-type: none"> • Higher costs for coordinating work • No savings on taxes or social security contributions • Temporary workers may lack the motivation and commitment of permanent workers • Increased training costs for temporary employees • •

WORKERS	
Pros	Cons
<ul style="list-style-type: none"> • Entry point into the labour market for young people. • More workers employed • Potential for trying different jobs before choosing a career path • • 	<ul style="list-style-type: none"> • Less security in terms of tenure and wages • Unemployment spells between jobs can be long • Lower career opportunities • Need to learn different tasks • Little or no access to those benefits that require a minimum period of continuous employment • Often need to work harder to show that one is able to perform the job • Possibly irregular working hours •

Young people and work

Activity 1.3

Two Cs: Exploring labour market disadvantages

Participants will be divided into two groups. Two participants will act as referees and one as timekeeper. One group is assigned a flip-chart *Challenges* and the other group a flip chart *Characters*, as shown in the figure below.

- “Challenges” are certain labour market outcomes. For example, work in the formal economy; discrimination, low-paid work.
- “Characters” refer to the individual characteristics that make some young workers more at risk than others of experiencing specific labour market outcomes. For example, young workers with disabilities often face discrimination at work; minority-language workers are often perceived as not having the necessary skills and are paid lower wages and so on.

Each team has five minutes to plan how to gather responses from the other participants on the “C” that is assigned to them. The teams should use this time to formulate the questions to ask, decide who will interview whom, and how to record questions. At the end of the five minutes (as decided by the time-keeper), the team members will have another five minutes to go around the room and interview the members of the other team to collect information. Traffic is regulated by the referee, who acts also as “traffic warden”. Finally, each team will have five minutes to place the information gathered on their flip-chart. The two teams will agree, at the end of the activity, which “Character” faces the most “Challenges”.

Example:

Challenges	Characters
1. Work in the informal economy	A. Migrant workers
2. Discrimination based on health status, low employment, high inactivity	B. Workers with HIV/AIDS
3. Low paid jobs, without social protection	C. Workers with low skill levels
4. Discrimination based on family responsibilities and on gender. Barriers to taking up full-time work.	D. Single mothers
5. Hazardous and unsafe work	E. Workers with disabilities

Activity 1.4

Say no to discrimination!²²

In pairs, participants have 15 minutes to read the stories of four young workers. For each situation they have to decide whether discrimination is present, and if so, on what grounds.

²² Examples adapted from United States Equal Employment Opportunity Commission, *Youth @ Work Your Rights*.

Mohamed's story: Ana applied for a festive job at a large department store. The store said that it was not hiring anyone for these positions. A few weeks later, Mohamed, who is of Muslim origin, noticed that one of his Christian friends was working at the store. His friend said that he was hired a few days earlier to help with the busy festive months.

Possible grounds: Race/ethnicity. Mohamed was discriminated against if the store did not hire him because he is of Muslim origin.

Sumana's story: Sumana applied for a job with a local company that routinely hired youth to work on construction crews. The manager, however, tells Sumana that there is no vacancy available in construction, but there is a secretarial position open at the company's headquarters. Sumana applies and gets the job. After few weeks, she hears the manager tell a co-worker that he did her a favour employing her as a secretary; since working in construction is a man's job.

Possible grounds: Sex/gender. Sumana was discriminated against if the manager did not hire her for a crew position because she is a woman.

Jayasena's story: Jayasena has just started working part-time at a popular clothing store. He is one of 50 telephone operators responsible for taking phone-in orders. All the operators "work at small cubicles in one large room. Employees are not assigned a specific cubicle; they choose their own cubicle on a first-come first-served basis. Jayasena is in a wheelchair and has difficulty moving up and down the narrow aisles. Even though he arrives 30 minutes early everyday, he cannot always find an available cubicle near the entrance before his scheduled shift. Jayasena tells his manager about his problem and asks to be assigned to a workstation close to the door. The manager tells Jayasena that the company does not give special treatment to anyone and suggests coming to work earlier.

Possible grounds: Disability. The clothing store discriminated against Jayasena when it refused his request for a reasonable workplace change that he needed because of his disability.

Chandrasena's story: The new manager of a software firm believes that she can boost sales, by hiring a mature graphic, attracted many new clients during his 6-month stint with the firm. The new manager does not renew the limited duration contract that Chandrasena had and replaces him with Sumanapala, a 40-year-old marketing expert, and designer, despite the fact that Chandrasena, the company's in-house designer, who is 23, has more knowledge.

Possible grounds: Age. The manager discriminated against Chandrasena if the reason for the non-renewal of his contract is age. If, however, the job description for the position was changed and included longer work experience requirements – which Chandrasena does not have –there is no discrimination.

Activity 1.5

Decent work millionaire

Participants will be divided into two teams. Each team will be asked to select a spokesperson who will respond to the question posed by the facilitator. Teams have 15 seconds to respond. If the answer is correct, the team wins 200,000 Currency Units (CU). If the answer is wrong the team loses 200,000 CU. Each team starts with a bonus of 300,000 CU. The first team to accumulate one million, wins.

	Question	Answer
1	Raja is a janitor who normally works 15 hours overtime every week. He does not get overtime pay, but he gets an extra paid day off every three weeks.	<p>NOT DECENT</p> <p>Generally, the Labour Code specifies how many overtime hours per week/month an employee can work and the methods used to calculate overtime pay. The same section also states the exceptions to the general rule (for instance managers are not usually entitled to overtime pay) and whether overtime can be compensated by additional (paid) time off.</p> <p><i>Reference: ILO Conventions N. 1, N. 30, and N. 153</i></p> <p>S&OE - overtime 12 hours per week, Industrial workers 15 hours per week, in general, overtime must be paid in Sri Lanka</p>
2	Srima has been working part time in a shoe factory for the last year, but she was told that she is not entitled to maternity leave.	<p>NOT DECENT</p> <p>Part-time workers have the same entitlements of full-time workers.</p> <p><i>Reference: ILO Convention N. 175</i></p> <p><i>Srima is entitled</i> if her employment was continuous and not of a casual nature.</p>
3	Tamara is a student who works in a restaurant in the evenings. She is paid 20 percent less than the minimum wage because the bar is owned by her uncle.	<p>NOT DECENT</p> <p>The Labour Code specifies the categories of workers that are excluded from the provisions of the minimum wage. These categories generally include farm workers and casual baby sitters, but not relatives of the employer.</p> <p><i>Reference: ILO Convention N. 131</i></p> <p>The practice is probably illegal under the Sri Lankan Labour Law. If she falls into a Wages Board covered job, she must be paid at least the minimum wage. There are presently 43 trades covered under such Wages Boards.</p>
4	James works in a software company where he gets a one-hour unpaid meal break	<p>DECENT</p> <p>The length of unpaid meal breaks during a working day is specified in the Labour Code or in the Collective Agreement. Unpaid meal breaks normally range from 30 minutes to one hour.</p> <p>Sri Lankan Labour Law states that there should be one hour – unpaid interval of rest or for a meal.</p>

5	Maduka is a 16-year-old student who works in a supermarket after school hours. She is paid the minimum wage.	<p>DECENT</p> <p>Normally young people over 15 years of age can be employed in light work, provided that it does not jeopardize Maduka's attendance.</p> <p><i>Reference: ILO Conventions N. 138</i></p> <p>According to Sri Lanka national legislation, workers of 16 to 18 years of age have restricted working hours, and the employer should follow that rule.</p>
6	Jayalath, who is 18 years old, has found work on a construction crew. His employer tells him that he has to pay for his protective equipment (boots and helmet).	<p>NOT DECENT</p> <p>The employer is obliged to provide and maintain protective equipment.</p> <p><i>Reference: ILO Conventions N. 167</i></p> <p>The Sri Lankan law clearly states that <i>the</i> employer has to provide him with safety guard appliances.</p>
7	Alexander, 17, found a job in a diamond mine (underground pit). His supervisor tells him that the policy of the company is to do strip searches at the end of the shift to avoid theft.	<p>NOT DECENT</p> <p>Work in an underground mine is considered hazardous work and it is prohibited to persons under 18 years of age. Strip searching goes against the dignity of workers and it is illegitimate.</p> <p><i>Reference: ILO Conventions N. 138, N. 182, N. 176</i></p>
8	Joseph worked for two years in a brewery. When the company started to lose business he was fired without notice or compensation.	<p>NOT DECENT</p> <p>The length of notice is regulated by the labour code and depends on the length of employment. The employer may compensate the worker in lieu of notice.</p> <p><i>Reference: ILO Conventions N. 158</i></p> <p>In Sri Lanka, Joseph is covered under the TEWA requirements. He should give his consent to leave or the employer must seek the approval of the Commissioner of Labour.</p>
9.	Valentina would like to work as a hairdresser. She finds an opportunity in a shop in the centre of town, but she is told that she has to undergo a 15-day trial period.	<p>DECENT</p> <p>Trial periods are generally allowed by the Labour Code.</p>

10	Vincent is 23 and has applied for a job that requires at least two years' work experience. He has only 15 months' work experience. He does not get hired.	<p>DECENT</p> <p>The employer has the right to select workers on the basis of their work experience and the requirements of the job.</p>
11.	Leela has been working under a temporary contract for three months. She was promised a contract of unlimited duration, but she ends up receiving another three-month contract at the end of the period	<p>DECENT</p> <p>Generally, temporary work contracts can be renewed. The number of times they can be renewed and the total length period of temporary work allowed are established by the Labour Code. In Sri Lanka, there is no specific provision for such an issue. Youth should thus be alerted that continuous renewal of temporary jobs may leave them in a worse off position.</p>
12	Sandya has been working part-time for the last 3 years. Now she would like to work full time, since her children are in kindergarten. Her employer tells her that there is no full-time position for her.	<p>DECENT</p> <p>The employer has no obligation to transform part-time into full-time employment.</p> <p><i>Reference: ILO Conventions N. 175</i></p>

Toolkit **2** Employment contracts

Activity 2.1.

Search-and-rescue mission: Better conditions of work

1) Classroom-based exercise

Participants will be divided into two teams. Each team has 20 minutes to carry out a search-and-rescue mission for better conditions of work.

Task 1: The “search” part of the mission requires teams to screen the collective agreements, news reports that have been given to them and find the provisions for wages, hours of work, overtime pay, rest periods and paid annual leave.

Task 2: The second part of the mission consists of “rescuing” those industries/branches of industries where negotiation/collective agreements gave workers better conditions of work compared to those granted by the labour law. These are summarized in the *Rights@Work Cards* entitled “minimum wages”, “hours of work”, “overtime”, “rest periods” and “annual leave” posted on the walls.

2) Assignment

Participants will receive a list of contacts of national/sector trade unions as well as copies of the *Rights@Work Cards* summarizing the provisions of the national labour law on wages, hours of work, overtime pay, rest periods and paid annual leave.

Task 1: They need, either individually or in pairs, to contact the trade unions to obtain copies of the collective bargaining agreements of the industry/sector in which they would like to work, or in which they are already working. The “search” part of the mission requires them to screen the collective agreement to find the relevant provisions.

Task 2: The second part of the mission consists of “rescuing” those provisions that grant better conditions of work to workers in the industry in which they are interested, compared to those granted by the general labour law.

Employment contracts

Activity 2.2

Wanted: Rights ...but not without responsibilities

Divide participants into three groups. Each team will be provided with four cards of the same colour (red, yellow and blue). On each set of cards there will be a sentence – for example “Receive instructions on job tasks”. Each team must decide whether the sentence on the card is a right or a responsibility and whether it belongs to the employer or the worker.

Example 1

EMPLOYERS	
Rights	Responsibilities
To have work tasks performed as required	To pay wages
To ask that company rules be followed	To give rest periods and days off
To give instructions	To pay overtime
To terminate an employment relation for just cause	To pay social security contributions

Example 2

WORKERS	
Rights	Responsibilities
To receive wages	To be punctual
To have rest periods and days off	Use tools and equipment safely and with care
To have established working hours	To follow supervisors' instructions
To join a representative organization	To do the work required to the best of one's ability

Activity 2.3

You have more rights than you think

Divide participants into three groups. Each group will be provided with a real-life situation. Teams need to decide whether the employer's request is legitimate and suggest how the employee should act/respond to the employer's counter-arguments. Teams have 10 minutes to complete these tasks. At the end of the activity, the team's spokesperson will present the case and the strategy to solve the dispute. Teams may be called upon to field questions/arguments from other participants.

Situation 1: Seetha, 19 years old, has successfully applied for an apprenticeship to become a cook in a famous hotel. When she meets the personnel manager to sign her apprentice contract, he tells her that she will not be allowed to become pregnant during the two –year apprenticeship. Seetha does not plan to start a family yet, although she plans to get married soon.

Situation 2: Jamis, 16 years old, just graduated from high school and found a job in a bakery where he is required to wear gloves to protect him from burns when putting bread in the oven or taking it out. He is also required to wear a baker's apron and cap. The employer tells Jamis that he has to buy all of these with his own money, or, alternatively, have the amount deducted from his first pay check.

Situation 3: Ananda, 22 years old, started working as a secretary in a big office. He is familiar with most of the equipment he needs to use and can solve minor problems such as paper jams in the printer or copier. His supervisor asked him to staple some very thick documents with an automatic (pneumatic) stapler he has never used before.

Suggested answer to real-life situations

The employer cannot make such requests. Even if Seetha agrees, she retains the right to full maternity protection, including maternity leave, and protection against dismissal (see ILO Conventions N. 3 and N. 183).

The employer has to provide all protective equipment at his own expense (see ILO Convention N. 155). If the employer requires staff to wear special uniforms, these are generally provided.

Workers have to be trained on every machine they are required to use at work. Ananda should ask to be trained or shown how to operate the equipment safely (see ILO Convention N. 155).

Activity 2.4 (A)

Mind the small print ! Understanding an employment contract

In pairs or small groups, participants have 15 minutes to read the following example of an employment contract and make a list of the details they think should always be included in a contract. If you they not sure about the meaning of certain terms, they can ask you for clarification.

Employment contract²³

Name of employer: Jayantha Bike Service

Employer's address: No.20, Man Street, Gampaha

Name of employee: Ranjan

Job title: Mechanic

1. Commencement of employment

Your employment with Jayantha Bike Service begins on 29th May of the current year.

2. Job description

The Bicycle Mechanic will work in the repair shop repairing and servicing bikes. The job involves diagnosing problems, repair and servicing of wheel hubs, mechanical and hydraulic braking systems, steering, suspension and drive train systems. It will also involve designing, building and repairing wheels and frames, and removing and fitting accessories. The Bicycle Mechanic will also be responsible for certain customer-related activities such as cash and credit transactions and promoting services to clients.

3. Job location

The place of work is: No.20, Man Street, Gampaha

4. Pay

The rate of pay is Rs. 15,000/-per month. This will be paid monthly.

5. Hours of work

You are employed to work full time, i.e. 45 hours per week, Monday to Saturday. Working hours are 08:00

To 5:00 p.m. Saturday 8.00 am to 1.00 pm.

6. Holidays

You are entitled to 15 days holiday per year. This excludes public holidays, during which you will not be required to work. Your holiday year begins in January. Unused holiday entitlements (maximum 5 days) may be carried forward to the next year.

²³ Adaptation from Business Link, Practical Advice for Business, *Create a written statement of employment*, London, 2008. Available online at: <http://www.businesslink.gov.uk/bdotg/action/stmtEmpBusiness?r.l1=1073858787&r.l3=1075225309&topicId=1075225309&r.l2=1074428798>

7. Sick leave

If you cannot work because you are ill, you must inform your employer as soon as possible on the first day, and then each subsequent day. Self-certification is allowed for a maximum of 2 days after which a doctor's certificate must be provided. You are entitled to contractual sick pay at your normal rate of pay for a maximum of five days, and a maximum of 15 days sick pay in any one year. This is subject to your notifying your employer and providing the necessary evidence of incapacity. Thereafter, you are entitled to statutory sick pay.

8. End of employment

This is a permanent contract, subject to each party's right to terminate it in accordance with the terms specified. If you wish to leave, you must give three weeks' notice. If the employer wishes to terminate the contract, three weeks' notice will be provided.

9. I acknowledge receipt of the particulars of employment

Signed. Date.

Activity 2.4 (B) What I would like to know about this job.....

Task 1: In pairs, participants have 15 minutes to make a list of the 10 most important questions they need to ask during a job interview. They may use the format provided at the end of this handout to record them. They should role-play the following situation: *You recently applied for a job in a large sporting goods store that opened in your town. The General Manager's secretary called to schedule a job interview. The newspaper advertisement you replied to, did not provide any information about the terms and conditions of employment. You have asked a friend to help you make a list of the questions you need to ask during the interview.*

Task 2: Ask participants to read the sample employment contract of Activity 2.2(A) (*Mind the small print! Understanding an employment contract*) and check whether the questions on their lists are answered by the terms and conditions laid out in the contract. At the end of the activity, ask them to list the questions that were not treated in the employment contract.

10 most important questions		Is it in the contract?	
		NO	YES
	Example: <i>When will I start work?</i>	<input type="checkbox"/>	<input type="checkbox"/>
1.		<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>
10		<input type="checkbox"/>	<input type="checkbox"/>

Toolkit 3 Social security

Activity 3.1.

Life scenario: Hoping for the best, preparing for the future

Participants will be grouped into two teams. Each team will have 30 minutes to read Nimali's story and then help her weigh the advantages and disadvantages of participating in the national social security system. Based on Nimali's plans, teams should identify and list as many assumptions as possible on what is likely to happen if everything goes well (optimistic scenario) and what will happen if everything goes wrong (pessimistic scenario). On the basis of the list prepared, each team will advise Nimali.

Note for the facilitator

An example of pessimistic and optimistic scenarios is provided at the end of Nimali's story. These are two extreme examples, unlikely to happen in their entirety.

Nimali's story

Nimali is 22 years old and is about to start working in a small textile firm (women's wear). Her tasks include cutting and sewing shirts with industrial equipment. The firm has a reasonable record on health and safety: in the last five years there were only two accidents, both non-fatal. In one, a worker lost her right hand, in the second the worker lost an eye.

The textile industry is experiencing a slow, but progressive, decline in production, as clothing imported from neighbouring countries is cheaper, albeit of lower quality. The economy, however, is quite strong and good-quality clothing is still in high demand.

Nimali's mother died of breast cancer three years ago, just like her mother before her. Nimali's mother developed the cancer when she was 40 years old and died five years later. There is also a history of genetic kidney disease on her father's side.

Nimali is engaged to be married to a young man who works in the local copper mine. This occupation is in one of the highest-risk industries in the country with high rates of fatal accidents and permanent lung diseases. The work, however, pays well, involves short shifts (six hours a day, five days a week) and with a good range of benefits health care for the individual and dependants, survivor's benefit and also performance annuities. Nimali plans to marry in two years and have at least two children. Nimali would like her children to go to university. She also plans to buy a house with a large garden. Nimali's income, combined with that of her future husband, will allow her to borrow money to buy it.

Nimali has a passion for flowers and gardening. She plans to leave her job when she turns 42, in order to devote herself to gardening, since Tony earns a good wage and can support the family. The garden can also become an income generating activity.

Nimali's future employer made her understand that there is a way to avoid large deductions from her monthly wages. The employer will officially pay Nimali the minimum wage established by the Collective Agreement. The amounts due for social security contributions, medical care, illness and disability insurance, maternity leave, unemployment insurance and old-age pension will be calculated on that basis. The employer will give Nimali every month an additional amount in cash. This amount will not be taxed or subject to deductions. If Nimali opts for this alternative, she will receive more cash every month.

If she opts for full contributions, she will receive less cash monthly.

Example of assumptions:

Pessimistic scenario	Optimistic scenario
Nimali has an accident rendering her unfit for work. If she is not fully insured, the benefit she will receive will not allow her to pursue her life plans.	Nimali never has an accident at work. She therefore will never use the accident benefit.
The employer closes the company and Nimali loses her job. As she has chosen to pay her benefits at the low end of the scale, Nimali only receives the unemployment benefit amount for a short period and may have problems repaying her debts.	The demand of domestically-produced clothing remains strong and Nimali will keep her job till she retires. She will never need to take advantage of unemployment benefits.
Nimali develops cancer like her mother. The health benefit covers the cost of medical care and pays her an allowance during her illness. If the state of her health affects her ability to work, she will have access to a disability pension. She will have a lower income, but she will not need to use her savings for medical care nor will she be forced to work when sick.	Nimali will not develop cancer and will remain healthy throughout her working life. She will never use the benefits stemming from the monthly amounts she pays for medical care and illness insurance.
Nimali develops another disabling illness. See above.	Nimali does not develop any life-threatening illness. See above
Nimali's husband will develop an occupational illness and will be unable to work. His earnings will decrease and Nimali will need all the cash she can get her hands on to pay off the bank debt, her children's schooling and so on. If she is fully insured, the cash-in-hand amounts she'll get will be lower.	Nimali's husband does not develop an occupational illness and continues working till retirement age. Nimali will not need additional cash to pursue her life plans.
Nimali will not have children. She will pay for health care and contribute to the maternity fund without using this latter benefit.	Nimali will have two children. She will take advantage of maternity benefits twice and will have her income assured during her two pregnancies. In addition, her job will be secure.
Nimali's husband has an accident at work and dies. Nimali cannot stop working when she turns 42, as the survivor's benefit is not enough to support her and her family. The more and longer Nimali pays to the pension fund, the more she will get when she retires. After 20 years of work, and without her husband's income, she will not have enough money to pursue her plans for retirement.	Nimali's husband retires with a maximum pension. Nimali can stop working when she turns 42 to work in her garden. She will have more money to invest in her children and garden when she retires.

Toolkit 4 Hours of work, wages and leave

Examples of Rights@Work Cards on working hours, night work, rest periods, annual leave

Rights@Work Card: Maximum and standard working hours

The threshold may be set lower for workers under 18 years of age (9)

Most countries have legislation that limits maximum working hours on a daily and/or weekly basis. The maximum number of working hours usually includes the allowed overtime (10) for a total of up to 10 hours per day, but total weekly hours should not exceed 48. Standard hours of work are usually eight hours per day (11)

It is lower still for school-age workers, who are often limited to weekend and/or holiday work.

C1-Hours of Work (Industry) Convention; C30-Hours of Work (Commerce and Offices) Convention

The Sri Lankan Context - Working hours, wages and leave.

S&OE Section (9) A woman or young person shall not be employed continuously for a period of more than four and a half hours without an interval, of at least half an hour for a meal or rest. However, in respect of regular day time workers, one such interval shall be allowed to commence between the hours of eleven o'clock in the morning and one o'clock in the afternoon, and that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours.

Amendment 68: (1) Notwithstanding the provisions of this part relating to the hours worked and period of employment, the pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained sixteen years of age but have not attained eighteen years of age: Provided that the overtime worked by a woman shall not exceed in the aggregate sixty hours in any calendar month and overtime worked by a young person who has attained the age of sixteen years but not attained the age of eighteen years, shall not exceed in the aggregate fifty hours in any calendar month. (2) The overtime employment of a woman or young person shall be subject to the following conditions. The total number of hours worked, including overtime, by a woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed sixty hours in any week;

- a) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not in the case of young persons extend outside the hours specified in this Part for the beginning and end of the period of employment. (2A) An employer shall not engage in overtime- a pregnant woman during her pregnancy; and
- b) a nursing mother, for a period of one year calculated from the date of birth of the child; and a woman who delivered a stillborn child, for a period of three months calculated from the date of birth of the child of such stillbirth, as she express her consent to be engaged in overtime, in writing.

(10) Shop and Office Employees Act: The period during which a person may be employed overtime in or about the business of any shop or office shall not exceed an aggregate of twelve hours in anyone week. No person shall be employed overtime in or about the business of any shop or office, unless he is paid separately for such overtime work in respect of each hour, at a rate not less than one and one-half times the hourly rate of his ordinary remuneration. The remuneration payable for any part of an hour of overtime work done by him shall be determined in the proportion that part bears to the hour.

(11) Employment of Women and Young Persons Hours and Holidays, Sec: 67 - Subject to the provisions of this Part, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week; (b) the period of employment in the case of young persons who have not attained the age of sixteen shall not exceed twelve hours in any day and shall neither begin earlier than six o'clock in the morning nor end later than six o'clock in the evening, and in the case of young persons who have not attained the age of eighteen the period of employment shall not end later than eight o'clock in the evening, and not less than one day in the week one o'clock in the afternoon.

Shop and Office Employees Act: 45 hours per week (2) A person who has attained the age of 14 years and who- (a) being a male, has not attained the age of 18 years, or

(b) is a female shall not be employed in or about the business of a shop or office before six o'clock in the morning or after six o'clock in the evening on any day (i) a female who has attained the age of 18 years may be employed in or about the business of a hotel or restaurant for the period, or any part of the period between six o'clock in the evening and ten o'clock in the evening.; (ii) a female who has attained the age of 18 years may be employed in or about any prescribed work in a residential hotel before six o'clock in the morning. or after six o'clock in the evening on any day; and Provided, however, that - (iii) a female who has attained the age of 18 years may be employed in or about the business of a shop or office for the period, or for any part of the period, between six o'clock in the evening and eight o'clock in the evening and (iv) any male who has attained the age of 16 years may be employed in or about the business of a hotel, restaurant or place of entertainment for the period, or for any part of the period, between six o'clock in the evening and ten o'clock in the evening.

The S&OE specifies that:

(i) 14 years to 18 years male or a female cannot be employed before six o'clock in the morning and after six o'clock in the evening on any day in a shop and office. (ii) Female over 18 years, can be employed in a hotel or restaurant any period between six o'clock in the evening and ten o'clock in the evening. (iii) any female over 18 years may be employed for a period between six o'clock in the morning and eight o'clock in the evening in a shop and office. (iv) a female over 18 years may be employed in any prescribed work in a residential hotel before six o'clock in the morning or after six o'clock in the evening on any day (v) a male over 16 years can be employed in a hotel, restaurants or place of entertainment for a period between six o'clock in the evening and ten o'clock in the evening.

Rights@Work Card: Overtime

Overtime refers to all hours worked in excess of normal hours, as specified in national legislation (usually 40 hours per week). Overtime can be worked up to the allowed maximum working hours per day and/or week. Permanent overtime might have a negative impact on the health and safety of the employee (e.g. fatigue, stress, and increased probability of accidents) and on productivity. The rules that employers have to follow on overtime vary considerably from country to country. In some countries, there are no restrictions to the amount of overtime that can be requested of employees, while in other countries it is necessary to justify overtime, (or instance, during periods which generate exceptional workloads).

C1-Hours of Work (Industry) Convention; C30-Hours of Work (Commerce and Offices) Convention

Rights@Work Card: Night work

Night work is any work performed during a period of not less than seven consecutive hours from midnight to 5:00 a.m. A night worker is an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. Both elements, the period and the specified limit, are determined in national labour legislation. Many countries limit night work for young people, especially when they are still attending school. This often means that people under 18 years of age are not allowed to work between 10:00 p.m. and 5:00 a.m. There might be exceptions for certain occupations where workers aged 16 and over are allowed to carry out night shifts.

C171-Night Work Convention

Rights@Work Card: Rest periods

Rest periods are granted to workers to preserve their safety, health and well-being. Normally, national labour law prescribes the minimum weekly rest period to which workers are entitled (for instance, at least 24 consecutive hours in every work period of seven days). Labour legislation usually grants one break during the working day when a certain minimum threshold is exceeded for example, six hours of consecutive work. The length of the break varies considerably and it can range from 30 minutes to two hours. During this time, the presence of the employee at the workplace is not required and the rest period is not included in the working time. The employer might grant additional short breaks, included in the working time. Regular rest periods are to the advantage of both employers and workers, as they have a positive impact on safety in the workplace and labour productivity.

C14-Weekly Rest (Industry) Convention; C106-Weekly Rest (Commerce and Offices) Convention

Rights@Work Card: Annual leave

Paid leave is the annual period during which workers take time away from work while continuing to receive income and social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them to take holidays or just rest. Paid annual leave preserves workers' health and well-being. Annual leave is also considered to be one of the factors that reduce absenteeism while enhancing motivation and consequently productivity and efficiency. The facilitator should summarize the national rules on minimum days/weeks of paid annual leave, regulations for uninterrupted blocks of leave, advance payment and extra holiday pay, responsibilities concerning scheduling the worker's leave and special regulations for temporary employment.

C132-Holidays with Pay Convention

Hours of work, wages and leave

Activity 4.1 At work:

Flash the labour standards!

Participants will be asked to cite all the advantages and disadvantages of international labour standards (hours of work, overtime, night work, break periods), and in what way they can influence both employers and workers. Summarize these standards in *coloured cards* and post them on the walls. One of the participants will record the ideas on a flip-chart.

Example 1

Night shifts

PROS	CONS
Employers	
More intensive use of facilities and equipment	Additional administrative and personnel costs
Increased production to cope with higher demand	Potential extra costs from providing adequate supervision during night shifts
Effective operation of continuous and semi-continuous production processes	Potentially negative effects on workplace safety and health
	Additional stress may reduce productivity
Employees	
Higher total earnings if workers receive extra pay for working at night	Disrupted sleep patterns which can lead to temporary sleep disturbances
Longer periods of free time, if paid time off is granted in addition to night shift payments	Potentially serious health problems
	Negative effects on work performance
	Lower quality of family and social life

Example 2

Shift work

PROS	CONS
Employers	
More intense use of facilities and equipment due to extended operating time	Additional administrative costs due to hiring and paying, more workers (because more shifts are in operation)
Increases in production to cope with higher demand	More complex work organisation to ensure adequate supervision, especially at night
Effective operation of continuous and semi-continuous production processes	Higher labour costs due to payment of shifts.
Optimal use of energy or other resources during the night or other slack periods	Potentially negative effects on workplace safety and health, especially where night shifts are concerned.

Employees	
Higher total earnings for workers through additional pay for certain shifts (e.g. night work)	Potentially negative effects on workers' health and safety, especially during night work.
Longer periods of free time, if paid time off is granted in addition to night work payments	Disruption of workers' family and social life, due to the "unsocial" and irregular hours of work
May potentially save existing jobs and/or reduce "precarious" employment	Potential transport difficulties for night workers

Activity 4.2

There isn't much left at the end of month: My pay-slip

Below you will find an example of a pay-slip. In pairs, participants will have 10 minutes to read it through and answer the following questions:

1. How many hours per week did Ranjith work?

(Answer: 40.5)

2. Is the overtime pay rate the same as the normal hourly rate?

(Answer: No, it is 1 ½ times the hourly rate.)

3. What do deductions for social insurance and super annuation correspond to?

(Answer: Money paid for retirement benefit in some enterprises for, illness, unemployment, disability and pension)

4. How much tax is paid and who pays it?

(Answer: 12% for EPF & another 3% for ETF of the gross pay paid by the employer on behalf of the worker)

Name of employer: Jayantha Bike Service		Employer's address: No. 20, Main Street, Gampaha			
Payslip					
Employee's Name		Ranjith	Pay Date	30 June 2008	
Employee's personnel Number		10000456	Pay Period	06/2008	
Employee's Tax Number		673/U1			
Payments					
Number of Hours	152	Hourly Rate	Rs. 10.00	Subtotal	Rs.1520.00
Overtime (hours)	10	Hourly Rate	Rs.15.00	Subtotal	Rs. 150.00
Gross Pay					Rs.1670.00
Deductions					
Tax paid (12 per cent of gross pay)					98.29
Contribution to Social Insurance (8 per cent of gross pay)					53.61
Superannuation (2.4 per cent of gross pay)					21.44
ETF 3% Employer pays					
Total Deductions					Rs.151.90
Net PayRs.1670.00					
Payments minus deductions					Rs. 950.00

Hours of work, wages and leave

Activity 4.3

Speed advising

Divide participants into two teams. The first team represents a group of young workers in search of advice. They will be asked to pick up a card that outlines a situation in which they find themselves at work. Not knowing what to do, they will seek advice from counsellors to help them decide the best course of action. They will have three to five minutes with each counsellor. The second team represents a group of counsellors. Their role is to listen to a number of young workers who are facing problems in their jobs and to give them the best advice you can, based on what they have learned so far. They have to think quickly and provide an answer fast; they will have only three to five minutes for each young worker.

ROLE CARDS for young workers

Situation 1: You are working in a tea store during the holidays. Every Wednesday you attend a one-hour staff meeting but do not work for the rest of the day. You do not get paid for the staff meeting but you think you should. You would like to know whether you are entitled to get paid for your attendance and how you can talk to your boss about the issue.

Situation 2: You work at a private school. You find it hard to plan your evening out with your friends because you never know what hours you are working. You would like to have a clearly defined work schedule. Your boss says that part-time workers do not receive work schedules, because they need to cover tasks as needed in a flexible manner. You would like to know whether your employer is right and how you can talk to your boss about the issue.

Situation 3: You started your new job as a sales clerk on December 1 and work a regular schedule of eight hours a day, three days a week (Tuesday, Thursday and Saturday). You did not work on Poya Day which was a Thursday as the store was closed. Your friends tell you should get holiday pay for that day. You would like to know whether you are entitled to it and how you can talk to your boss about it.

Situation 4: You work as a parking attendant on week-ends. You work three-hour shifts on Monday afternoon, Thursday evening and Saturday morning. A public holiday falls on a Saturday this year. You think you should earn more for working during a public holiday. You would like to know whether you are entitled to additional pay and how you can talk to your boss about the issue.

Situation 5: You have earned Rs.36,000 this year working in a fast - food outlet as a part-time server. Your friend, who works full-time at the same outlet, has been paid annual holiday pay on each pay check. You have not. You would like to know whether you are entitled to holiday pay and how you can talk to your boss about the issue.

Possible solutions²⁴

	If attendance is required, the worker should be paid as it is working time. Special regulations regarding a 'minimum call-out' might apply (see ILO Convention N. 30)
	<p>All workers, regardless of the number of hours they work, are entitled to receive work schedules. Employers must give workers notice:</p> <ul style="list-style-type: none"> - when their work begins and ends over a period of at least one week; - in writing and posted in a place where it can easily be seen by employees; and - one week in advance of a change in the schedule. <p>Where an emergency or unusual circumstance arises, the employer can change the employee's work schedule without notice. Employers can also apply for permits to vary the requirement for a work schedule (see ILO Convention N. 30).</p>
	Most employees get public holiday pay no matter what their days of work. In this case the worker is entitled to public holiday pay for Christmas Day even if he did not work. National regulations specify the amount of holiday pay (see ILO Convention N. 132).
	Most employees who work public holidays get paid 'premium pay' which is usually 1.5 their regular wages for all hours worked. They will also receive public holiday pay. For working on a public holiday, the worker is entitled to premium pay (also 1.5 per regular wages) plus public holiday pay. National regulations might prescribe different amounts (see ILO Convention N. 132).
	The worker should receive annual holiday pay at the same rate as it is paid to all employees including those working at full-time, part-time, casual, temporary and seasonal jobs. Annual holiday pay is calculated on the employee's total wage over a 12-month period. National regulations might prescribe different amounts (see ILO Convention N. 132 and N. 175).

Activity 4.4

Chief, just one last question.....Negotiating working time and pay

Participants will be divided into two teams; one will play the role of the worker, the other that of the employer. Both teams have 15 minutes to read their roles, decide on a negotiation strategy and prepare a list of points to be negotiated. Each team appoints a spokesperson to negotiate with the representative of the other party.

²⁴ Situations 1 to 9 adapted from Government of Saskatchewan, Ready for Work, *VIII Fairness Works: Labour Standards for Young Workers*, Saskatchewan, 2005, p 29ff. Available at: <http://www.readyforwork.sk.ca/teachers/resource-binder.htm>

Hours of work, wages and leave

Role card 'employer'	Role card 'worker'
<p>You are the owner of Jayantha Bike Service and you have been looking for a skilled mechanic for quite some time.</p> <p>After publishing a job advert in a newspaper you received 27 applications and invited five promising applicants for a job interview.</p> <p>Out of these five, you offer the job to Ranjith, the most suitable candidate for the job. Ranjith is skilled but still needs further training.</p> <p>Besides Ranjith there are three other mechanics who have considerably more work experience and have been working for you for a long time. There are also two sales persons.</p>	<p>You have been looking for a job as a mechanic for quite some time and were really happy when you were offered a job at Jayantha Bike Service. You are a skilled and certified mechanic. Your training took place some time ago so that you are not very experienced with recent developments. Still, you are very well-acquainted with the state of the art as you are a passionate biker.</p> <p>You also know that there were some other applicants who are experienced and good at their jobs.</p>
<p>You offer Ranjith the minimum wage of R.100.00 per hour. You would like Ranjith to work 38 hours a week but also on weekends. The schedule you propose is as follows:</p> <p>Monday 2:00 p.m. – 8:00 p.m., 6 hours</p> <p>Tuesday 10:00 a.m. – 2:00 p.m., 4 hours</p> <p>Wednesday 8:00 a.m. – 2:00 p.m., 6 hours</p> <p>Thursday 2:00 p.m. – 8:00 p.m., 6 hours</p> <p>Friday 11:00 a.m. – 2:00 p.m., 8 hours incl. 1-hour break</p> <p>Saturday 8:00 a.m. – 5:00 p.m., 8 hours incl. 1-hour break</p> <p>You are aware that asking Ranjith to come to work every day the shop is open is an inconvenience for him, but you prefer to accommodate the needs of the other employees who already work for you.</p> <p>The shop operates Monday to Friday 8:00 a.m. – 8:00 p.m. and Saturdays 8:00 a.m. – 5:00 p.m.</p>	<p>You would like to receive Rs. 150.00 per hour given your training and you know that the average income in that sector is Rs. 225.00 per hour.</p> <p>You would like to work 40 hours a week during a five-day work week. You would prefer to work in the morning as you have other obligations in the late afternoons and evenings. You are not keen on starting work early on Saturdays and for eight hours as you like to go out Friday nights.</p>

Toolkit 5 Occupational safety and health

Activity 5.1

(A) Hunt the hazard!²⁵

Participants have 20 minutes to identify as many hazards as they can in the workplaces displayed in the pictures and to categorise them into health or safety hazard. Some might fall in both categories.

Picture 1: Fast -food kitchen



²⁵ Activity adapted from Centre for Disease Control and Prevention – National Institute for Occupational Safety and Health et.al. Talking Safety, *Teaching Young Workers About Job Safety and Health*, Atlanta, p 85-89. Available at: <http://www.cdc.gov/niosh/talkingsafety/states/all>

Picture 2: Grocery store



Picture 3: Office



Picture 4: Petrol station



Fast-Food Kitchen

Health hazard	Safety hazard
Pressure to work fast (stress) Stress	Hot grill, oven and steam (burns)
	Slippery floor (injuries including sprained joints, broken bones)
	Knives (cuts)
	Hot cooking grease (burns)
Heavy lifting	
Ergonomic hazards: risk of back injury, restricted movement, nerve damage, weakness, proneness to re-injury	Dislocation of ligaments, pulled muscles, sprained joints, broken bones
Chemicals may cause cancer as well as harm or irritate the liver, kidneys, skin, lungs (bronchitis), and brain (loss of memory, coordination or cognition).	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; "narcotic effect" that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Occupational safety and health

Grocery Store

Health hazard	Safety hazard
Standing a lot (ergonomic hazard causing pain, restricted movement, nerve damage, weakness, proneness to re-injury)	Box cutter (cuts)
	Meat slicer (cuts, serious injury, lost fingers, etc)
Heavy lifting, bending or reaching	
Ergonomic hazard causing back pain, restricted movement, nerve damage, weakness, proneness to re-injury	Dislocation of ligaments, pulled muscles, sprained joints, broken bones
Repetitive motion	
Ergonomic hazard causing carpal tunnel syndrome (CTS), decreased joint motion, inflamed joints, prolonged ache, pain, numbness, tingling, or burning sensations	Pain, numbness or tingling, redness and swelling
Cleaning chemicals	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Office

Health hazard	Safety hazard
Repetitive use of keyboard, awkward posture	
Chemicals for the copier and other office equipment	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Petrol Station

Health hazard	Safety hazard
Violence (stress, permanent injury, death, post-traumatic stress)	Heat or cold (heat stroke, frostbites, loss of consciousness)
	Tools and equipment (injuries such as cuts, contusions)
	Slippery floor (injuries including sprained joints, broken bones)
Petrol and other chemicals	
Chemical hazard may affect the brain, causing memory loss, poor coordination, and reduced thinking ability; liver and kidney damage; bronchitis; long-term skin problems; may cause cancer.	Irritated nose, throat, and lungs, causing coughing, wheezing, and/or shortness of breath; “narcotic effect” that causes light-headedness, dizziness, fatigue, nausea, and headache; irritation and burning of the skin and eyes, with possible eye damage.

Activity 5.1

(B) Classroom hazard hunt

Ask participants to work in teams of between 2 and 4 persons. They have to think about specific, possible hazards in the classroom that could fall into the categories listed in *Handout 1* below. Using the detailed checklist provided in *Handout 2*, they have to carry out an assessment of their classroom and suggest improvements, (i.e., how each hazard could be eliminated or reduced). They have 40 minutes to complete the task.

Handout 1	
Some areas of your classroom may have hazards. In your group, identify items in each category that could be hazardous to health or safety. List as many things as you can in the time available	
Physical Areas, Furniture, Fixtures Floors Walls Ceilings Doors Windows Furniture Fixtures	Environment Lighting Ventilation Noise Electricity

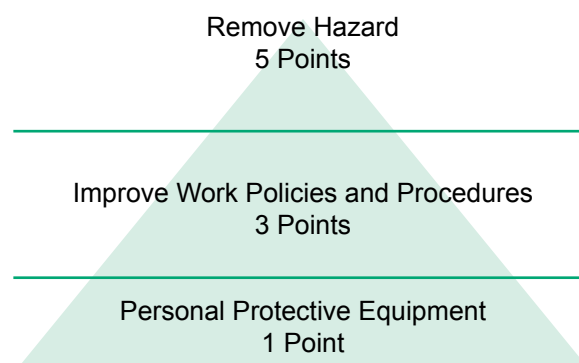
Handout 2	
Classroom Hazard Conditions	
1. Classroom (general)	Is the housekeeping good? Is the lighting adequate? Is the floor in good condition? Are exits clearly identified? Is the classroom furniture in good repair and positioned safely? Are all cupboards, black boards and display units secure and stable?
2. Walls	Are all signs, bulletin boards, and fixtures firmly attached?
3. Floors	Are the floors in good condition and free of trip hazards? Are the floors clean and free of slippery areas?
4. Doors and windows	Do the doors have loose or broken hinges? Are the glass panes in windows and doors intact (not broken) and not cracked? Do all the windows open and close properly? Are the fasteners of windows intact?
5. Lighting	Are all the lights working? Are all light fixtures and switches securely mounted, in good working order (not loose, cracked or broken) and clean?
6. Power Cords and cables	Are all cords in good condition-no fraying or exposed wires? Are all plugs in good condition - no cracks or broken pieces--and firmly attached to cords? Are cords placed to avoid a tripping hazard?

Occupational safety and health

Activity 5.2

Safety pyramid²⁶

Participants will be divided into two teams, each with its own set of coloured cards. Each team needs to appoint a “writer” and a “runner”. Each team will be provided with the same real-life situation on health and safety at work, and in three minutes the writer has to record the solution the team thinks might prevent the accident from happening again. The ‘runner’ will go to the safety pyramid to post the team’s card in the category with the method for controlling the hazard the team’s answer belongs to: remove the hazard (5 points), improve work policies and procedures (3 points), wear protective equipment (1 point). There will be two/three rounds. The team with the highest number of points at the end of the rounds wins the game.



Situation 1: Abdul is a 17-year-old dishwasher in a hospital kitchen. To clean cooking pans. He soaks them in a powerful chemical solution. He uses long gloves to protect his hands and arms. One day, as he is lifting three large pans out of the sink at once, they slip out of his hands and back into the sink. The cleaning solution splashed all over the side of his face and got into his right eye. He was blinded in that eye for two weeks.

Suggested answers include:

Remove the hazard	Substitute for a safer cleaning product. Use disposable pans. Use a dishwashing machine.
Work policies	Have workers clean one pan at a time. Give workers training on how to protect themselves from chemicals.
Personal protective equipment	Goggles.

Situation 2: Luxmie is a 16-year-old who works in a fast food restaurant. One day Luxmie slips on the floor made slippery by the grease splattered from the fryer. To catch her fall, she tried to grab a bar near the grill. She missed it and her hand touched the hot grill instead. She suffers second -degree burns on the palm of her hand.

²⁶ Daniel W. Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*.

Suggested answers include:

Remove the hazard	Design the grill so the bar is not close to it. Cover the floor with a non-skid mat. Install non-skid flooring. Put a shield on the grill when not in use to prevent people from accidentally touching it. Put a cover on the fryer so that grease does not splatter out.
Work policies	Have workers immediately clean up spilled grease. Design the traffic flow so workers do not walk past the grill.
Personal protective equipment	Non-skid shoes. Gloves.

Situation 3: Asoka is a 16-year-old who works in at a grocery store. Her supervisor asked her to clean the meat slicer, although she had never done this before and had never been trained to do it. She thought the meat slicer was turned off before she began cleaning it. Just as she started to clean the blades, the machine started up. The blade cut a finger on Asoka's left hand all the way to the bone.

Suggested answers include:

Remove the hazard	Put a guard on the machine to protect fingers from the blade. Put an automatic shut-off on the machine.
Work policies	Create a rule that the machine must be unplugged before cleaning. Enforce/follow any child labour laws that prohibit people under 18 years of age from using, cleaning or maintaining meat slicers. If there are no such laws, create and enforce a similar company policy Create and enforce relevant training policies
Personal protective equipment	Cut-resistant gloves.

Situation 4: Wilmot works for a city public works department. One afternoon, the temperature outside reached 35 degrees Celsius. While Wilmot was shovelling dirt in a vacant lot, he started to feel dizzy and disoriented. He fainted due to the heat.

Suggested answers include:

Remove the hazard	Not possible
Work policies	Limit outdoor work on very hot days. Have a cool place to go for frequent breaks. Have plenty of water available. Provide training on the symptoms of heat stress and how to keep from getting overheated. Work in teams so co-workers can watch one another for symptoms of overheating (such as disorientation and dizziness).

Occupational safety and health

Personal protective equipment	A hat to provide shade. A cooling vest.
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Situation 5: Alex is a 16-year-old who works in a busy pizza shop. His job is to pat pizza dough into pans. He prepares several pans per minute. Lately he has noticed that his hands, shoulders, and back are hurting from the repetitive motion and standing for long periods of time.

Suggested answers include:

Remove the hazard	Provide a chair or stool for sitting while doing this task. Provide a rubber mat to cover hard floors
Work policies	Vary the job so no one has to make the same movements over and over. Provide regular breaks.
Personal protective equipment	Wrist wraps or other methods of addressing repetitive motion injuries.

Situation 6: Sarathi works as a nursing aide at a local hospital. She is expected to clean bed pans and sometimes change sheets, which requires lifting patients. Lately she has been feeling twinges in her back when bending over or lifting. She knows she is supposed to get help when lifting a patient, but everyone in the unit is so busy that she is reluctant to ask. At home, as she is going to sleep, she often feels shooting pains in her back, neck, and shoulders. These pains seem to be getting worse every day.

Suggested answers include:

Remove the hazard	Lift patients only when other people are available to help. Use a mechanical lifting device.
Work policies	Make sure workers who have already been injured are not required to lift. Create a policy that workers may lift patients only in teams or when using a lifting device. Train workers about safe lifting methods.
Personal protective equipment	Require workers who lift heavy objects to wear a back brace.

Toolkit 5 Exercising rights at work

Activity 6.1.

Managing conflict in the workplace: So you are upset...²⁷

Participants will be divided into two teams, each with its own case to review. The case is a conversation that takes place between an employer and an employee. Each team have 30 minutes to read the dialogues and then 1) identify the problem; 2) determine the rights and responsibilities of both parties and 3) decide what the worker could say and do at each step to constructively respond to the situation.

Role Play 1

Employer: I wanted to talk to you about the dishes you broke last week.

Employee: Oh yes, that wasn't my fault. Tom came out the "in door," and he hit me while I was carrying a large tray of dirty dishes from table 7. There had been a large number of people there, so it was really loaded.

Employer: I don't know what Tom did, but I know it was you who dropped the tray full of dishes. It will cost me a lot of money to replace them. And you know we have a policy that you have to pay for what you break.

Employee: But it wasn't my fault.

Employer: I don't care whose fault it is. I need to buy more dishes, and that will cost me. So I have deducted Rs. 2,000/- from your wages this month.

Employee: But that means I'll only take home Rs. 19,000/-. I'm supposed to get my bike repaired and it will cost me more than Rs. 5,000/- This isn't fair!

Employer: Well there isn't anything I can do about it. If you think it was Tom's fault, why don't you try collecting it from Tom?

Employee: Tom won't pay me for it. Why should he when the money is already coming off my pay check? So you mean I'm stuck with paying for someone else's mistake?

Employer: Well, I don't know if I would put it that way. But I do know that I have a lot of broken dishes, and I didn't break them, so I'm not paying for them. Besides, I think it's time you got back to work. You have a lot of customers in your area.

²⁷ Daniel W. Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*.

Exercising rights at work

1. State the problem

2. What are the employer's and employee's rights and responsibilities in the situation? *Generally, employers cannot deduct money for broken dishes from the employee's wages. The employer has the right to go to court to try to recover the money for the broken dishes. If the court finds in the employer's favour, then she has the right to recover the money from the employee's bank account or pay check.*

3. Things to do and say

Role Play 2

Employer: That's not the right way to clean rooms. You have to have a system.

Employee: But that's how Aruni taught me to do them.

Employer: I can't believe Aruni would tell you to make a bed like that. She was really good at this job.

Employee: Well, she did!

Employer: Well, it's wrong. You better learn it the right way because you're taking far too long to do this work.

Employee: If you show me how, I'm sure I can speed up. But I need someone to teach me the right way.

Employer: What's the matter with you? Are you stupid or something? Everyone knows how to make a bed. Didn't your mother teach you anything? I guess a little kid like you wouldn't know how to do important things like making a bed. I suppose you'll have to get a college degree to know how to do that.

Employee: Of course my mother taught me how to make a bed. But it looks like you want it made differently.

Employer: I'll get my wife to show you if she has time. You'd think when you hire women to do housekeeping duties, they'd know a little bit about it. Don't mothers teach their kids anything nowadays? Get back to work, at least you can scrub the floors until she has time to come and show you. Or are you too young to even know how to do that?

1. State the problem

2. What are the employer's and employee's rights and responsibilities in the situation? *This situation may be harassment of the employee on the basis of age. The employer has the responsibility to not harass his/her employee and to ensure the employee is adequately trained to perform his/her duties. The employer has the right to expect the job will be performed adequately once the employee has been trained and coached in the proper way to perform the tasks associated with the job. The employee has the responsibility to perform the job adequately as trained.*

3. Things to do and say

Handout 1: Managing anger constructively

Steps	Do	Don't	Examples of things to say
Recognize and admit that you are angry.	Tell yourself that anger is a normal human feeling, and that it is okay to become angry.	Fear, deny or reject your anger, feel guilty or apologize for it. "Re-live" the incident over and over again. Become aggressive.	Say to yourself: "It's okay for me to feel angry sometimes. It's not okay to get violent or abusive."
Try to understand the other person's perspective and/or what s/he intended.	Try to stay calm and non-threatening. Tell the other person how his/her behaviour makes you feel. Show you are listening and trying to understand. Try to decide if the other person is deliberately trying to make you angry.	Jump to conclusions about what you think the other person wanted. React until you have all the facts. Make less, or more, of the incident until you have as much information as possible. Ignore the other person's needs.	Say to the other person: "When you told me yesterday that I didn't understand your point, I felt like you were suggesting I didn't know what I was talking about. Is that how you feel?"

Exercising rights at work

Decide what to do with your anger.	<p>Consider the risks and advantages of expressing your anger directly to the other person.</p> <p>Determine the bad or good results that might occur if you speak up.</p> <p>Consider the risks and advantages of expressing your anger indirectly, to a friend, for example.</p> <p>Consider the risk of not expressing it at all.</p>	<p>Forget to consider both short-term and long-term consequences.</p> <p>Forget to reflect on how much power the other person has over your job security or satisfaction.</p> <p>Forget to consider the consequences for your physical and mental health.</p>	<p>Say to yourself:</p> <p>“How reasonable is this person? Can they make my life miserable if they don’t like what I have to say?”</p> <p>“Is it better to talk directly or blow off steam some other way? Is it healthy to keep my anger to myself? Will it get worse?”</p>
If appropriate, express your anger directly.	<p>Wait until there is enough time to discuss the problem; speak to the person in private.</p> <p>Describe the other person’s behaviour and describe your feelings of anger.</p> <p>Be assertive (not aggressive) and try suggesting a solution that respects both parties’ needs.</p> <p>Ask the other person to tell you how s/he feels about the situation.</p> <p>Show you want to let go of the anger and maintain a good relationship.</p>	<p>Complain about the other person behind his or her back; verbally attack his/her character or intelligence or get aggressive to others.</p> <p>Try to discuss the problem when the other person is busy or preoccupied and/or in front of other people.</p> <p>Make less, or more of, what you are actually feeling and/or ignore the other person’s needs and feelings.</p> <p>Make it seem like you will hold a grudge.</p>	<p>Say to the other person:</p> <p>“Do you have a couple of minutes to talk to me in private? This morning, you asked if I could work some overtime. When I said no, you indicated that you seem to be getting all the workload. I am concerned about the suggestion that I’m not carrying my fair share. I work hard, and I work overtime when I’m asked. But, why don’t we discuss this at the next staff meeting. Maybe we could set up a system for taking turns. How does that sound to you?”</p>

Activity 6.2.






What's your style?

Participants will be divided into two groups, each team with a case study. They have 30 minutes to complete the two assignments.

Task 1: Read each case study individually and rank the five courses of action shown below from 1 (most beneficial) to 5 (no results whatsoever). Remember that there are no "right" answers to these case studies.

Task 2: Review the strategies for the case study with the other members of your team and determine the advantages and disadvantages of using each strategy. Please use the Pros and Cons Chart to complete this task.

Pros and Cons Chart²⁸

Style	Conflict Resolution Strategy	Pros (Advantages)	Disadvantages (Cons)
 Teddy Bear	Smoothing Give up your goals and let the other person have his or her way in order to maintain a good relationship.		
 Turtle	Withdrawing Avoid the issue and the other person by "walking away".		
 Fox	Compromising Give up part of your goals and sacrifice part of the relationship in order to reach agreement.		
 Shark	Win-Lose Negotiating Try to force or persuade the other person to meet your needs at the expense of his/her needs.		
 Owl	Problem Solving Look for a solution that allows you and the other person to fully achieve your goals and maintain a good relationship.		

Case Study 1

You work part-time in a men's clothing store as a salesperson. Your boss is a highly emotional person, with whom you have a very formal relationship. He calls you by your first name, but you call him Mr. Balasooriya. When he gets upset, he becomes angry and abusive. He makes insulting remarks and judgments about you and your co-workers. These episodes happen about once a week. The rest of the time he rarely speaks to you. He will not tolerate any "back talk" from any of the staff.

So far, the staff, including you, has stayed silent during these outbursts. Jobs of this kind are scarce and you really need the pay check, as you are saving money for university next year. However, you do not like what

²⁸ Daniel W. Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*.

Exercising rights at work

Mr. Balasooriya says when he is angry and the situation is starting to get on your nerves. You just got your pay check for the last month. You worked 10 hours a day for three days in a row. You think you should have been paid overtime for those three days. You have checked with the trade union and they have confirmed that you should have received overtime pay. This has happened before, and you are really mad about it. You need the money. Besides you earned it, so you should be paid for it. What do you do next?

1. I try to avoid Mr. Balasooriya. I am silent when ever we are together. I show a lack of interest when we speak. I want nothing to do with him for the time being. I try to cool down and stay away from him. I try never to mention anything that might get him angry and, in particular, that he owes me for some overtime.
2. I tell Mr. Balasooriya I am fed up with his abuse. I tell him he is unfair and that I want my money for the overtime I have worked not only in the last week but also for the past year. I tell him he needs to control his feelings and what he says to me because I am not going to be insulted by him anymore. I am going to make him stop or else I will quit. That will show him. I will lodge a formal complaint to get my overtime money.
3. I bite my tongue. I keep my feelings to myself. I hope that he will find out how his actions are hurting our department without telling him. Other staff members have also worked overtime and have not been paid either. They are mad, too. I am frightened by my anger towards him, so I try to be nice to him. If I tried to tell him how I feel and that I should be paid overtime, he would only get angry and abuse me more. I might even lose my job. I might ask somebody to make an anonymous call to the Labour Department. That might shake him up a bit. But he might find out who made the complaint and that things might get worse.
4. I try to bargain with him. I tell him that if he stops abusing me I will increase my sales effort, and I will work more overtime and not complain. I try to seek a compromise that will stop him from yelling at me. I try to think of what I can do for him that will be worth it to him, so he will change his actions. I tell him that the other members of the staff are also upset with his actions. I try to persuade him to agree to stop abusing me in return for something I can do.
5. I call attention to the conflict between us about the overtime issue and the abuse. I describe how I see his actions. I describe my feelings of anger and my upset feelings. I try to begin a discussion in which we can look at ways to reduce his rage and my resentment so I can get paid for my overtime hours. I try to see things from his viewpoint. I seek a solution that allows him to blow off steam without being abusive to me or the rest of the staff.

Case Study 2

You are the kitchen supervisor in a fast food restaurant. You supervise five employees. These employees do various jobs relating to the preparation of food including chopping vegetables, cooking, packing food and washing dishes. Your immediate supervisor floats between the kitchen and lounge. For some reason, your supervisor seems to dislike you and everything about the job you do. Whenever you interact with her you can feel her resentment. She never says anything to you directly, but your staff has told you that she has been making rude comments about you behind your back. You think you have seen her mimicking you behind your back in front of your staff. This has undermined your relationship with your staff, and it is starting to get on your nerves.

This morning, she has come into your area and interrupted the work of the staff by stopping to chat with them. You are behind in your orders, and there have been some complaints. You are reluctant to ask her to go away, because she is the boss and because you have asked for permission to leave the premises over the lunch hour. You are concerned that she will not give it to you if you make her angry. The work is piling up and you know that the customers will start complaining soon and you will get the blame.

Just as you are about to say something to her, she tells you that you can forget about getting time off. She tells you that you obviously do not know how to manage your area, as your staff is always standing around and talking, and the customers are complaining. You have had enough, so you approach her to tell her that she is obliged to let you leave the premises for your break. As you turn your back to walk away, you see the staff smirking. You know she is standing behind you, mimicking you.

1. I ignore her and go back to my workstation. I try to avoid any contact with her. When she comes into the kitchen area, I go to my office or out front. I try to avoid any situation that could lead to further confrontation with her and hope that she sees what is happening and changes as a result.
2. I turn around and catch her in the act. I tell her that I am fed up with her attitude and that it seems it is time for her to grow up and quit what she is doing. If she does not change her act, I will have to talk to the employer about her. I also will go to the Labour Dept. and find out what the law says about breaks, and she will look like a fool in front of our employer. I do not care if she is my boss; she just has to smarten up. By being firm, I hope she will change her behaviour and stop treating me like that.
3. I would ignore the boss for the present as I still think I can win her over to my side. Later, I will engage her in friendly conversation and get to know a bit about her. Maybe I can establish some friendly feelings between us. I won't worry about not getting my break.
4. I talk to her immediately and try to make a deal. If she will give me the break and if she will stop making fun of me, I will work a double shift on Sunday. We always have trouble getting staff on weekends. I will continue doing trade-offs like that, so she will change her behaviour.
5. I would ask her to step into my office. I would call attention to the conflict between us by describing how I saw her behaviour, and tell her it makes me angry. I would explain the problems from my perspective - how it made me look in front of my staff, how under the law I was owed that break - and suggest that maybe we could find a way to work together that would be better for both of us. I would ask her what she thought was going on and how she felt about it. I would tell her I would like to setup a time when we could discuss this in greater detail and find a way to work with one another.

Activity 6.3... and we haven't heard the last of it!²⁹

The group will be divided into eight teams; each with its own role to play. The scenario is a business complex in the Colombo City. Many leading financial companies have their head offices there. The bankers and brokers that work are among the highest paid people in the country. At night another army of workers takes over – security staff and cleaners. Security staff is mainly male and cleaning staff are mostly female and belonging to ethnic minorities. They are employed by private contractors and they have low pay and poor working conditions. Most earn only the minimum wage; do not receive additional pay for working “unsocial” hours, and many have a second job to make ends meet. The Ministry of Labour has recently recognized

²⁹ Activity adapted from Trade Union Congress, *A better way to work, Unit 1: Trade Unions at Work*, Warwick, 2006, p. 24-29 Available at: http://www.tuc.org.uk/extras/ABWTW_06_UNIT_1.pdf

Exercising rights at work

that there is a gap between the national minimum wage (Rs.20/-per hour) and the wage necessary to lead a “socially included” life (around Rs.30/- per hour). However, the discussion on increasing the minimum wage probably won't begin for eight months.

This is a very interesting, but also very long activity. Therefore, depending on available time, we suggest to shorten the exercise by reducing the number of teams.

Task 1: Participants have 10 minutes to read their role-cards and prepare a negotiating strategy with the members of their teams. Each team will have one minute to present themselves to the other groups and give a statement of their intent.

Task 2: Participants have to prepare a message for the party indicated at the bottom of the role card. After receiving/sending a first message they are free to write as many messages/replies as they wish. They may also decide to enter into bilateral consultations i.e. a face-to-face discussion with the members of another team. The aim is to achieve the best possible solution for the team.

SKS Bank

You are senior managers in a large bank, which employs 400 staff. Your security contract is with Jamison Security Services, the lowest bidder for the contract. They do a satisfactory job of patrolling the premises and checking CCTV screens during the evenings and nights. WeClean has the cleaning contract and again there are no complaints. They are cheap and efficient. You are not too worried about what they pay their staff as long as your costs are kept down. But you are concerned about any bad publicity. Both contracts are up for renewal next month and you have to decide what to do.

You know that *The people's forum for justice* is running an investigation into the conditions of work and wages paid by large financial institutions to sub-contractors for cleaning and security services. Also, they have started asking questions about the salaries and benefits bank managers are getting.

Write your first message to: *people's forum for justice*

Jamison Security Services

You are on the board of Jamison Security Services. The contract with SKS Bank is worth Rs.250,000 a year to your business. Workers are paid just above the Rs.15/hour minimum wage. You do not recognise any of the trade unions. Any bad publicity might affect the renewal of your contract, which runs out at the end of next month. There are rules about not talking on duty as security staff is paid to keep watch and not to be distracted. Any increase in wages would cut into your profits.

How will you keep the contract?

Write your first message to: your workers in Jamison Security Services

WeClean

You are a group of senior managers with WeClean, a large contract cleaning business. You employ a small army of mostly women workers, many of whom are recent immigrants from India. You pay them just above the minimum wage of Rs.20 per hour. Many of your employees work part-time and you are aware that many have other jobs. You do not recognise any trade union, but you are aware that a trade union is trying to recruit your workers. You are keen to keep the contract, which earns you Rs.300,000 per year. Any increase in pay will eat into the company's profits. The contract ends next month and you want it renewed.

How can you make sure it is renewed?

Write your first message to: your workers in WeClean

Justice Cleaning & Security

You represent the management of a newly-formed company that offers workers a share of the profits. You aim to pay cleaning and security workers a living wage and a share of any profits made. There will also be payments for anti-social hours. A trade union, UNISEC, has been recognised and you negotiate with their representatives to make sure working conditions are good. You want to compete with Jamison Security Services and WeClean for contracts at the SKS Bank. The contracts are up for renewal soon.

How can you make sure the contracts are put to tender? How can you win the contract?

Write your first message to: SKS Bank

UNISEC

You are the local officials of the UNISEC trade union. Your union is a general trade union for workers in a range of low-paid, unskilled jobs. There is a campaign against low-pay and bad conditions faced by workers employed to clean and provide security in wealthy businesses, as in the financial services sector. You are also not officially recognised by private contract companies. You are targeting WeClean and Jamison Security Services by handing out leaflets to the workers, urging them to join your union.

How can you improve the life of these low-paid workers? How can you get them to join the union? What action could you take?

Write your first message to: WeClean

Exercising rights at work

WeClean workers

You are employed by WeClean, a contract cleaning company, which provides workers to clean the SKS Bank offices in the Colombo City. Your working hours are 7 p.m. to 11 p.m. and 5 a.m. to 7.30 a.m. on weekdays. You are paid Rs.20/- per hour and many of you have other jobs to make ends meet. Most of the time you are tired and you see little of your family. You are interested in the trade union leaflet from UNISEC. But you are scared that you may lose your job if you ask for more money or join the union.

What can you do to improve your life? What action can you take?

Write your first message to: UNISEC

Jamison Security Services workers

You are employed by the company to patrol the premises of SKS Bank, a large office block in Colombo City. You are paid \$5.50 per hour and you work from 6 p.m. to 6 a.m. for four nights a week. The main problem of the job is the unsocial hours which stop you from seeing your family. You are interested in what the UNISEC trade union and Justice Cleaning & Security might be able to do for you. There is a rule about not talking while on duty with other security staff, but you usually ignore this. What would you like to do to improve your working life? What action can you take?

Profile of the Colombo City workers (Jamison Security Services workers and WeClean workers)

Security staff is mainly male and cleaning staff are mostly female; many are from ethnic minorities. They are employed by private contractors and they have low pay and poor working conditions. Problems you face include:

- No additional pay for working anti-social hours
- Having to have more than one job.
- No lockers to store your belongings
- No rest rooms or leisure facilities for breaks
- Not being allowed to talk to fellow workers during working hours.

Write your first message to: Justice Cleaning & Security

The Peoples Forum for Justice

You are a group of journalists on the local newspaper. You are interested in reporting a story contrasting the very high salaries of people working at the SKS Bank and other Colombo City companies and low-paid night workers. Local churches you have spoken to say “unsocial” working conditions and low pay can lead to family breakdown and domestic violence. How will you gather information and support for your campaign? How will you apply pressure?

Write your first message to: Jamison Security Services

Message Form

Message from _____

To _____

Signed _____

Reply Form

Message from _____

To _____

Signed _____

Resources

Annex ILO CONVENTIONS

Freedom of Association, Collective Bargaining, and Industrial Relations

C11 Right of Association (Agriculture) Convention, 1921

C84 Right of Association (Non-Metropolitan Territories) Convention, 1947

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

C98 Right to Organise and Collective Bargaining Convention, 1949

C135 Workers' Representatives Convention, 1971

C141 Rural Workers' Organisations Convention, 1975

C151 Labour Relations (Public Service) Convention, 1978

C154 Collective Bargaining Convention, 1981

The standards enshrined in Convention N. 87 (*Freedom of Association and Protection of the Right to Organise*) and Convention N. 98 (*Right to Organise and Collective Bargaining*) envisage the right of all workers and employers to form and enjoy organizations of their own choice, protect against anti-union discrimination and promote collective bargaining.

Forced Labour

C29 Forced Labour Convention, 1930

C105 Abolition of Forced Labour Convention, 1957

These standards prohibit the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political views, labour discipline, punishment for participation in strikes and discrimination.

Elimination of Child Labour and Protection of Children and Young Persons

C5 Minimum Age (Industry) Convention, 1919

C6 Night Work of Young Persons (Industry) Convention, 1919

C10 Minimum Age (Agriculture) Convention, 1921

C15 (Shelved) Minimum Age (Trimmers and Stokers) Convention, 1921

C33 Minimum Age (Non-Industrial Employment) Convention, 1932

C59 Minimum Age (Industry) Convention (Revised), 1937

C77 Medical Examination of Young Persons (Industry) Convention, 1946

C78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

C79 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

C90 Night Work of Young Persons (Industry) Convention (Revised), 1948

C123 Minimum Age (Underground Work) Convention, 1965

C124 Medical Examination of Young Persons (Underground Work) Convention, 1965

C138 Minimum Age Convention, 1973**C182 Worst Forms of Child Labour Convention, 1999**

The minimum age for admission to employment shall not be less than the age of completion of compulsory schooling (C138-Minimum Age Convention). There are specific provisions for the immediate elimination of the worst forms of child labour (e.g. slavery, prostitution, trafficking). Such prohibition applies to all children under the age of 18 (C182-Worst Forms of Child Labour)

Equality of Opportunity and Treatment**C100 Equal Remuneration Convention, 1951****C111 Discrimination (Employment and Occupation) Convention, 1958****C156 Workers with Family Responsibilities Convention, 1981**

Convention N. 100 (Equal Remuneration) and Convention N. 111 (Discrimination in Employment and Occupation) prohibit discrimination in access to employment, training and other conditions of employment on grounds of race, colour, sex, religion, political opinion, national extraction or social origin. The objective is to promote equality of opportunity and treatment, and equal pay and benefits for work of equal value.

Vocational Guidance and Training**C140 Paid Educational Leave Convention, 1974****C142 Human Resources Development Convention, 1975**

The ILO Convention on Human Resource Development (N. 142) requires ratifying countries to develop comprehensive policies and programmes of vocational guidance and training, aimed at enabling all persons, on an equal basis and without any discrimination, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations.

Employment Security**C158 Termination of Employment Convention, 1982**

This standard prescribes that the employment of a worker shall not be terminated without valid reason. Trade union membership, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, absence from work due of illness or injury are not valid grounds for termination. Workers whose employment is to be terminated are entitled to: (i) a reasonable period of notice (or compensation in lieu thereof), ii) a severance allowance or other separation benefits; (iii) benefits from unemployment insurance or assistance or other forms of social security.

Wages**C26 Minimum Wage-Fixing Machinery Convention, 1928****C94 Labour Clauses (Public Contracts) Convention, 1949****C95 Protection of Wages Convention, 1949****C99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951****C131 Minimum Wage Fixing Convention, 1970****C173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992**

Convention N. 95 (Protection of Wages) establishes that wages are to be paid regularly. Deductions are permitted only under the conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award. Workers have the right to be informed about the deductions made to their pay. In the event of the bankruptcy or judicial liquidation, the workers are treated as privileged creditors.

ILO Convention N. 131 (Minimum Wage Fixing) obliges ratifying countries to establish a system of minimum wages. In determining the level of minimum wages, the following need to be included: (a) the needs of workers and their families; and (b) economic factors, including the requirements of economic development, productivity and the maintenance of a high level of employment.

Working Time

C1 Hours of Work (Industry) Convention, 1919

C14 Weekly Rest (Industry) Convention, 1921

C30 Hours of Work (Commerce and Offices) Convention, 1930

C47 Forty-Hour Week Convention, 1935

C52 Holidays with Pay Convention, 1936

C89 Night Work (Women) Convention (Revised), 1948 C101

Holidays with Pay (Agriculture) Convention, 1952

C106 Weekly Rest (Commerce and Offices) Convention, 1957

C132 Holidays with Pay Convention (Revised), 1970

C153 Hours of Work and Rest Periods (Road Transport) Convention, 1979

C171 Night Work Convention, 1990

P89 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

C175 Part-Time Work Convention, 1994

ILO Convention N.14 (Weekly Rest, Industry) and Convention N. 106 (Weekly Rest, Commerce and Offices) prescribe that workers shall enjoy a period of rest comprising at least 24 consecutive hours in every period of seven days. The Hours of Work (Commerce and Office) Convention (N.30) prescribes that the hours of work in these sectors shall not exceed 48 hours in the week and eight hours in the day. The increase in hours of work in the day shall not exceed one hour and the hours of work in the day shall not exceed ten. The Holiday with Pay Convention (N. 132) entitles workers to an annual paid holiday period. Although the length of the holiday with pay period is specified by national authorities, this cannot be less than three working weeks for one year of service. A minimum period of service may be required for a worker to be entitled to annual holiday with pay. Public holidays are not be counted as part of the minimum annual holiday with pay. During such holiday period, workers shall receive at least their normal or average remuneration. ILO Convention N.171 (Night Work) defines night work as any work performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. A country may, in consultation with employers and workers, exclude wholly or partly from the scope of the Convention limited categories of workers. The Convention also prescribes the adoption of measures to ensure that an alternative to night work is available to women workers: (a) before and after childbirth, for a period of at least sixteen weeks (b) for additional periods when this is necessary for the health of the mother or child; and (c) during pregnancy.

The ILO Convention N.175 (Part-time Work) prescribes that part-time workers shall receive the same protection as that accorded to comparable full-time workers in respect of: (a) the right to organize, bargain collectively and act as workers' representatives; (b) occupational safety and health; and (c) discrimination in employment and occupation. In addition, statutory social security schemes shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers in the fields of: (a) maternity protection; (b) termination of employment; (c) paid annual leave and public holidays; and (d) sick leave.

Occupational Safety and Health

- C13 White Lead (Painting) Convention, 1921**
- C45 Underground Work (Women) Convention, 1935**
- C62 Safety Provisions (Building) Convention, 1937**
- C115 Radiation Protection Convention, 1960**
- C119 Guarding of Machinery Convention, 1963**
- C120 Hygiene (Commerce and Offices) Convention, 1964**
- C127 Maximum Weight Convention, 1967**
- C136 Benzene Convention, 1971**
- C139 Occupational Cancer Convention, 1974**
- C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977**
- C155 Occupational Safety and Health Convention, 1981**
- C161 Occupational Health Services Convention, 1985**
- C162 Asbestos Convention, 1986**
- C167 Safety and Health in Construction Convention, 1988**
- C170 Chemicals Convention, 1990**
- C174 Prevention of Major Industrial Accidents Convention, 1993**
- C176 Safety and Health in Mines Convention, 1995**
- C184 Safety and Health in Agriculture Convention, 2001**
- P155 Protocol of 2002 to the Occupational Safety and Health Convention, 1981**
- C187 Promotional Framework for Occupational Safety and Health Convention, 2006**

Convention N. 155 (Occupational Safety and Health) obliges ratifying countries – in consultation with employers' and workers' organizations – to formulate, implement and periodically review a national policy on occupational safety, occupational health and the working environment. The aim of this policy shall be to prevent accidents and injury, by minimising the causes of hazards inherent in the working environment.

Social Security

- C12 Workmen's Compensation (Agriculture) Convention, 1921**
- C17 Workmen's Compensation (Accidents) Convention, 1925**
- C18 Workmen's Compensation (Occupational Diseases) Convention, 1925**
- C19 Equality of Treatment (Accident Compensation) Convention, 1925**

C24 Sickness Insurance (Industry) Convention, 1927

C25 Sickness Insurance (Agriculture) Convention, 1927

C42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

C102 Social Security (Minimum Standards) Convention, 1952

C118 Equality of Treatment (Social Security) Convention, 1962

C121 Employment Injury Benefits Convention, 1964

C128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967

C130 Medical Care and Sickness Benefits Convention, 1969

C157 Maintenance of Social Security Rights Convention, 1982

C168 Employment Promotion and Protection against Unemployment Convention, 1988

Countries ratifying the Social Security (Minimum Standards) Convention (N.102) have an obligation to secure to the persons protected the provision of medical care, sickness, unemployment and old age benefits. The Convention also specifies the persons entitled, the contingency covered, the minimum period of coverage and payment arrangements. Convention

N. 128 (Invalidity, Old-Age and Survivors' Benefits Convention) covers – among others – the provision of the invalidity benefits for persons who are incapable to engage in any gainful activity on a permanent basis.

Maternity Protection

C3 Maternity Protection Convention, 1919

C103 Maternity Protection Convention (Revised), 1952 C183

Maternity Protection Convention, 2000

ILO Convention N.183 (Maternity Protection Convention) applies to all employed women, including those in a typical form of dependent work. Ratifying countries have the obligation to adopt measures to ensure that pregnant or breastfeeding women are not obliged to perform work which is prejudicial to the health of the mother or the child. Women are entitled to a period of maternity leave of not less than 14 weeks (or longer in case of illness, complications or risk of complications arising out of pregnancy or childbirth). Women who are absent from work on maternity leave shall be provided with cash benefits of such a level that ensures that the woman can maintain herself and her child. An employer cannot terminate the employment of a woman during her pregnancy or absence on maternity leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proof is on the employer. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

Specific Categories of Workers

C83 Labour Standards (Non-Metropolitan Territories) Convention, 1947

C110 Plantations Convention, 1958

C149 Nursing Personnel Convention, 1977

C172 Working Conditions (Hotels and Restaurants) Convention, 1991

P110 Protocol to the Plantations Convention, 1958

C177 Home Work Convention, 1996

The ILO Convention N. 172 on Working Conditions (Hotels and Restaurants) prescribes that workers in these sectors shall be entitled to: i) reasonable normal hours of work and overtime provisions with reasonable minimum daily and weekly rest periods, ii) have sufficient advance notice of working schedules; iii) be compensated in time or remuneration if required to work on public holidays; iv) annual leave with pay; and v) a basic remuneration that is paid at regular intervals (regardless of tips) Convention N. 177 (Home Work) ensures equality of treatment between home workers and other wage earners, in particular, in relation to: (a) the right to establish or join organizations of their own choice; (b) protection against discrimination in employment and occupation; (c) occupational safety and health; (d) remuneration; (e) statutory social security protection; (f) access to training; (g) minimum age for admission to employment or work; and (h) maternity protection.

Annex 2 Glossary of Terms and Sri Lankan context

Annual leave	<p>Annual leave (or paid leave) is the annual period during which workers take time away from their work while continuing to receive an income and to be entitled to social protection. Workers can take a specified number of working days or weeks of leave, with the aim of allowing them the opportunity for extended rest and recreation.</p> <p>Casual leave is granted under the S&EO and also under the WBO determined by 43 different types of trades applicable in Sri Lanka.</p>
Child	<p>A person under 18 years of age. In the Sri Lankan context a person under 14 years of age is considered a child.</p>
Collective bargaining	<p>Collective bargaining are all negotiations that take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for:</p> <ul style="list-style-type: none"> -determining working conditions and terms of employment; -regulating relations between employers and workers; -regulating relations between employers or their organisations and one or more workers' organisations. <p>The Industrial Disputes Act Sec. 5 deals with Collective Agreements explained in detail elsewhere in the guide.</p>
Collective bargaining agreements	<p>Collective bargaining agreements are agreements – stipulated in writing – on working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other. These agreements bind the signatories and those on whose behalf the agreement is concluded.</p> <p>ID Sec. 6 to 10b elaborates on this subject</p>
Decent work	<p>Decent work is work that:</p> <ul style="list-style-type: none"> -is productive and delivers a fair income; -provides security in the workplace and social protection for workers and their families; -offers better prospects for personal development and social integration; -grants freedom for people to express their concerns, organise and participate in decisions that affect their lives; and -ensures equality of opportunity and treatment for all women and men. <p>The Department of Labour in Sri Lanka has formed a special unit under the Industrial Relations Division known as "Social Dialogue" to deal with Decent Work.</p>

Employee	<p>Employees are all those workers who hold a “paid employment job”. This means that employees have an employment contract which entitles them to a basic remuneration, typically in form of wages and salaries. Contrary to self-employed and employers, this remuneration is not directly dependent upon the revenue of the enterprise. The employer is responsible for payment of relevant taxes and social security contributions.</p> <p>EPF Sec: 44 - According to this act an “employee” means any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, or oral or in writing, and whether it is a contract of service or of apprenticeship or a contract personally to execute any work of labour. This includes any person ordinarily employed under any such contract, whether such person is or is not in employment at any particular time.</p> <p>WBO, Sec: (64) - defines “worker” as any person employed to perform any work in any trade.</p> <p>S&OE, Sec: 3 (b) - a person employed in or about the business of any shop or office shall be deemed to be so employed on any day through out the period during which his services are at the disposal of the employer, exclusive of any interval allowed under any provision of this Act for rest or a meal and any interruption permitted by regulation under section 3(3).</p> <p>Gratuity Act, Sec: 20 - Describes a “workman” as any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, oral or in writing and whether it is a contract of service or of apprenticeship or a contract personally to execute any work or labour and includes any person ordinarily employed under any such contract whether such person is or is not in employment at any particular time, and includes any workman whose services have been terminated.</p> <p>Maternity Benefits Ordinance, Sec: 21 - Describes a “woman worker” as a woman (other than a woman employed in or about the business of a shop or an office or a woman whose employment is of a casual nature) employed on wages in any trade, whether such wages are calculated by time or by work done or otherwise and whether the contract of employment or service was made before or after the commencement of this Ordinance, and whether such contract is expressed or implied, oral or in writing.</p> <p>TEWA, Sec: 19 - Defines a “workman” as the same definition as in the Industrial Dispute Act mentioned below.</p> <p>ID – Sec: (48) - Defines “workman” as any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, oral or writing in and whether it is a contract of service or of apprenticeship, or a contract personally to execute any work or labour; and includes any person ordinarily employed under any such contract whether such person is or is not in employment at any particular time and includes any person whose services have been terminated.</p>
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Employer	<p>Employers are those who are self-employed and engage on a continuous basis one or more persons to work for them in their business as “employee(s)”. Their remuneration is dependent upon the profits derived from the goods and services produced.</p> <p>IS, Sec: 48 - In this act “employer” means any person who employs or on whose behalf any other person employs any workman and includes a body of employers (whether such body is a firm, company, corporation or trade union) and any person who on behalf of any other person employs any workman.</p> <p>TEWA, Sec: 19 - In this act “employer” means any person who employs, or on whose behalf any other person employs, any workman and includes a body of employers (whether such body is a firm, company, corporation, trade union or other body unincorporated), and any person who on behalf of any other person employs any workman, but does not include any such other person or such body to whom, by virtue of the operation of the provisions of subsection (I) of section 3, the provisions of this Act, other than section 3 do not apply.</p> <p>WBO, Sec: 21 - According to this ordinance “employer” means any person who on his own behalf employs or on whose behalf any other person employs, any worker in any trade, and includes any person who on behalf of any other person employs any worker in any trade.</p> <p>S&OE, Sec: 68 (1)(a) - In relation to any shop, means the owner of the business of that shop. and includes any person having the charge or the general management and control of that shop, and</p> <p>(b) in relation to any office, means the person carrying on, or for the time being responsible for the management of the business for the purposes of which the office is maintained.</p> <p>Trainees Act, Sec: 15 - Employer” includes a body of employers.</p> <p>Maternity Benefits Ordinance, Sec: 64 - In this instance “employer” means any person who on his own behalf employs or on whose behalf any person employs any woman worker; and includes any person who on behalf of other person employs any woman worker.</p> <p>EWYC, Sec: 34 (1) - here “employer” means, any person who on his own behalf employs or on whose behalf any other person employs any woman, young person or child, and includes any person who on behalf of any other person employs any woman, young person or child;</p> <p>FO Sec: 127 (1) - In this ordinance “occupier”, in relation to a factory, means the person who has ultimate control over the affairs of the factory, and where the control of such affairs is entrusted to a managing agent, includes such managing agent. On the other hand “owner” means the person for the time being receiving the rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if the premises were let to a tenant.</p>
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	<p>WCO Sec: 2 (1) - “Employer” includes the Republic of Sri Lanka and anybody of persons whether corporate or unincorporated and any managing agent of an employer and the heirs, executors or administrators of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him.</p> <p>EPF Sec: 47 - “Employer” means any person who employs or on whose behalf any other person employs any workman and includes a body of employers (whether such body is a firm, company, corporation or trade union), and any person who on behalf of any other person employs any workman, and includes the legal heir, successor in law, executor or administrator and liquidator of a company; and in the case of an incorporated body, the President or the Secretary of such body, and in the case of a partnership, Partner or Manager.</p> <p>ETF Sec: 44 - “Employer” means any person who employs or on whose behalf any other person employs any workman and includes a body of employers (whether such body is a firm, company, corporation, local authority or trade union), and any person who on behalf of any other person employs any workman, and includes a competent authority of a business undertaking vested in the Government under any written law, the legal heir, successor in law, executor or administrator and liquidator of a company; and in the case of unincorporated body, the president or the secretary of such body, and in the case of a partnership, the Managing Partner or Manager.</p> <p>Gratuity Act Sec: 20 - “Employer” means any person who employs or on whose behalf any other person employ any workman and includes a body of employers (whether such body is a body corporate or unincorporated or a public corporation) or any person who on behalf of any other person employs any workman and any person or body of employers who or which has ceased to be an employer but does not include a co-operative society established under the Co-operative Societies Law, No.5 of 1972, or a local authority.</p>
Employers’ organisation	These are membership-based organizations that lobby for and represent the interest of employers.
Hazard	A hazard is defined as any activity, situation or substance that can cause harm either physically or mentally.
Hazardous work	<p>Hazardous work is any type of or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health or safety or of the worker. According to the Employment of Women, Young Persons and Children Act, Sec: 20A - No person under the age of 18 years shall be employed in any hazardous occupation which shall be prescribed in accordance with the guidelines specified in subsection (2) In prescribing hazardous occupations for purpose of the subsection (1), the Minister shall take into consideration the nature or the circumstances in which the occupation is being carried out and the harm that may be caused as a result thereof to the health, safety or morals of a person)</p>

Glossary of Terms and Sri Lankan context

Home work	Home work is work carried out by a person in the home or in other premises of his or her choice (other than the workplace of the employer) for remuneration, which results in a product or service as specified by the employer, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker.
ILO	The International Labour Organization (ILO) is the United Nations (UN) specialised agency that is devoted to reducing poverty, achieving fair globalisation and advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. As a tripartite organization the ILO works with governments, employers and workers' organizations.
Living wage	A living wage takes into account the actual living costs that might vary drastically among different regions of a country, e.g. between rural and urban areas. The living-wage approach takes into account these differences together with costs of living, as it aims at establishing a flexible minimum remuneration that guarantees that workers can earn at least a minimal livelihood.
Minimum wage	A minimum wage is the minimum sum payable to a worker for work performed or services rendered, within a given period. This is guaranteed by law, it may not be reduced either by individual or collective agreement and it is fixed in such a way as to cover the minimum needs of a worker and their dependants. According to the WBO, Sec: 20 (a) - Any minimum rate of wages determined in any decision of a Wages Board under subsection (1) in respect of any trade may consist of - (i) a basic rate; and (ii) a special allowance at a rate to be adjusted, at such intervals and in such manner as the WB may in such decision direct, to accord as nearly as practicable with the variation in the cost of living index-number applicable to workers in that trade.
Night work	Night work is all work which is performed during a period of not less than seven consecutive hours, and includes the period from midnight to 5 a.m. As per the EWYC, Sec: 34 (1) - With reference to the employment of women, at least eleven consecutive hours including the period between ten o' clock in the evening and five o' clock in the morning and with reference to the employment of persons under the age of 18 years, means at least twelve consecutive hours which shall end not later than six o' clock in the morning.
Own-account worker	Own-account worker's remuneration is dependent upon the profits derived from the goods and services produced. Own account workers make the operational decisions affecting their business. They do not engage employees on a continuous basis. They might run the business with other partners.
Overtime	Overtime refers to all hours worked in excess of the normal hours. Overtime can be carried out until the maximum working hours either per day or week is reached. FO, Sec: 68 (1) - "overtime", in relation to any employment or work, means employment or work in excess of the normal maximum period provided by or under section (3) relating to the hours worked and period of employment, the pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained 16 years of age but have not attained 18 years of age: Provided that the overtime worked by a woman shall not exceed in the aggregate 60 hours in any calendar month and overtime worked by a young person who has attained the age of 16 years but not attained the age of 18 years, shall not exceed in the aggregate 50 hours in any calendar month.

	<p>(2) The overtime employment of a woman or young person shall be subject to the following conditions:-</p> <ul style="list-style-type: none"> - the total number of hours worked, including overtime, by a woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed 60 hours in any week; - the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not in the case of young persons extend outside the hours specified in this, Part for the beginning and end of the period of employment. <p>(2A) An employer shall not engage in overtime-</p> <ul style="list-style-type: none"> - a pregnant woman during her pregnancy; and - a nursing mother, for a period of one year calculated from the date of birth of the child; and - a woman who delivered a still born child, for a period of three months calculated from the date of birth of such still birth, as she express her consent to be engaged in overtime, in writing <p>(a) The foregoing provisions of this Part shall not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.</p>
Paid sick leave	<p>Paid sick leave consists of leave from work due to sickness and cash benefits that replace the wage during the time of leave due to sickness. However this is not found in the Sri Lankan Labour Law.</p>
Part-time workers	<p>Part-time workers are employed persons whose normal hours are less than those of comparable full-time workers. This area is not very specific in the Sri Lankan labour law.</p>
Period of notice and dismissal	<p>Employers and employees, wishing to end an employment relation have to observe the period of notice which specifies for how long the employment relationship has to be maintained until the notice takes effect. This area is not specified in the Sri Lankan labour law.</p>
Probation period	<p>A set number of working days during which both sides, employers and employees, have the right to end the employment contract with limited or no notice period</p>
Remuneration	<p>The ordinary, basic wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the workers' employment. "Remuneration" means salary or wages and includes (a) any special allowance determined according to the cost of living, (b) any allowance for overtime work, and (c) such other allowance as has been prescribed.</p>
Rest periods	<p>Periods of free time away from work provided to workers in order to preserve their safety, health and well-being.</p>
Self-employed	<p>See own-account worker. 18. A self- employed person shall by notice in writing sent to the Board indicate his desire to become such a member. 19. (1) Where the Board receives a notice under the provisions of section 18, it may, for the purposes of this Act, direct in writing any person sending such notice, to furnish to the Board before a date specified in such direction, a return in the prescribed form containing particulars regarding his employment, and such person shall comply with such direction. (2) Any person furnishing a return under subsection (1), may transmit with such return,</p>

Glossary of Terms and Sri Lankan context

	a request in writing that the contents of such return should be treated as confidential and, where such a request is made, the contents of such return shall not be disclosed without the consent previously obtained of such person.
Shift work	Shift work is a method of organizing working time whereby workers succeed one another at the workplace so that the establishment can operate longer than the hours of work of individual workers at different day and night hours.
Social security	Social security is the protection which society provides for its members – through a series of public measures – against the economic and social distress that otherwise would be caused by the stoppage, or substantial reduction, of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death.
Temporary layoff	An employee is on temporary layoff when an employer cuts back or stops the employee's work without ending his or her employment (e.g., laying someone off at times when there is not enough work to do). In a Sri Lankan context TEWA , will apply.
Trade unions	Trade unions are membership-based organisations of employees, normally extending beyond the confines of one enterprise, established to protect or improve, through collective action, the economic and social situation of workers. TUO, Sec: 2 - refers to this as any association or combination of workmen or employers whether temporary or permanent, having among its objects one or more of the following:- (a) the regulation of relations between workmen and employers, or between workmen and workmen or between employers and employers; or (b) the imposing of restrictive conditions on the conduct of any trade or business; or (c) the representation of either workmen or employers in trade disputes; or (d) the promotion or organization or financing of strikes or lock-outs in any trade or industry or the provision of pay or other benefits for its members during a strike or lock-out, and includes any federation of two or more trade unions.
Wage	Wages are remunerations or earnings expressed in terms of money and fixed by mutual agreement or by national laws or regulations, payable by an employer to an employed person for work done or for services rendered. "Wages" includes any remuneration due in respect of overtime work and any holiday.
Workers' representatives	Workers representatives are persons who, while recognized as such under national law or practice, are either representatives designated or elected by trade unions or their members or representatives who are freely elected by the workers in the enterprise.
Youth/young person	Youth is the period of life between childhood and adulthood. The internationally agreed definition encompasses all people aged 14 to 25 years old. Labour law in Sri Lanka define "Young person" as a person who has attained the age of 14 and has not attained the age of 18 years.

Annex 3 Designing and implementing training workshops: Guidelines for facilitators

Understanding the audience

Understanding the nature and characteristics of participants is crucial to the success of a training workshop. With this understanding, facilitators will be able to deliver the workshop according to participants' needs and expectations. The facilitator may simply ask the audience to express their expectations from the workshop before it starts or prepare a short questionnaire to identify training needs.

Developing learning objectives

Learning objectives are statements that clearly describe what participants will be able to do as a result of their learning experience. They describe the intended *results* of the training event. These objectives help facilitators:

1. Decide what they want to accomplish in the workshop and how to do it;
2. Shape the workshop according to the needs of the participants;
3. Understand whether participants find the workshop relevant and appropriate to their needs;
4. Determine content and activities;
5. Specify what participants will be able to do at the end of the workshop; and
6. Measure the results achieved at the end.

Identifying the workshop design criteria

Once the learning objectives have been identified, facilitators can select and/or develop the training material and instructional techniques to be used during the workshop. Facilitators should have a thorough knowledge of the material they include in their course. They must also be conversant with the main instructional methods.

The following guidelines may help facilitators choose what they want to include in the workshop and the instructional approaches to be used. This information should be included in the session plans. A sample of session plan is included in this Toolkit as Annex 5.

1. Define the objectives so that it is clear what is expected to be achieved by the end of the workshop.
2. Prepare an overview of the workshop that outlines objectives and content.
3. Present simple concepts, one at a time.

Designing and implementing training workshops: Guidelines for facilitators

4. Select the best instructional technique for encouraging the knowledge and skill-building (i.e. role-playing, case studies, and experience-sharing among the participants) and provide alternative learning means (i.e. variety of instructional approaches).
5. Give an adequate number of positive examples of the concept, portraying concrete examples to explain the concepts.
6. If possible, take examples from the ideas or knowledge familiar to the participants to show a connection to real-life cases.
7. Offer opportunities for participants to become involved in the workshop (i.e. through group discussions, hands-on activities, and question-and-answer sessions, problem-solving).
8. Allot sufficient time for participants' discussion and practice.
9. Allow sufficient opportunity for feedback or interaction with participants, in order to monitor learning progress.
10. Provide enough exercises to foster the acquisition of knowledge or skill to the extent that it becomes automatic.
11. Give a summary of each session and link the previous to the next topic.
12. Ensure a non-threatening, self-motivating environment.

Tips for running workshops

This section provides few tips for running workshops. The advantages and disadvantages of using the main instruction methods are summarized in Annex 4.

Skilled and knowledgeable facilitators

Having a specific purpose in attending the workshop (i.e., to gain knowledge and to acquire skills), and with limited time at their disposal, learners expect facilitators to be skilled and knowledgeable and to be able to transmit their knowledge and skills effectively. It is therefore important that facilitators come to the workshop well- prepared.

Real-world application

Participants expect the training to provide knowledge and skills that they can directly and immediately apply. It is important that facilitators meet expectations by actually conducting research in the 'real world' and find real-life applications of concepts. Facilitators may also use resource persons who are experienced and knowledgeable in the specific field. The more the workshop is relevant, the more participants will be able to relate to, and learn from it. In this way, participants will validate their attending the workshop. They will consider the latter effective and useful.

Starting the workshop

The way in which facilitators open the workshop will set the tone for what is to follow. They may use this opportunity, not only to start off by giving a good impression of themselves and the workshop, but also to establish the best kind of learning environment. Facilitators may have no control over attitudes of the participants, but they can surely make these attitudes more positive by winning them over right from the start.

Welcoming participants

The facilitators' welcome is the first activity to be carried out in front of the whole group. It should give participants a positive image of the facilitators. A straightforward, confident welcome is sufficient. For example, they may simply say, *"On behalf of the Ministry of Employment, I would like to welcome you to this workshop on rights at work for young people. I hope that you will find it worthwhile and productive"*.

Introduce yourself

Facilitators should introduce themselves formally. This is the time to establish their credibility. They may give some information about their background, relevant experience, qualifications relating to the workshop and, finally, add a few personal details to build rapport.

State the purpose of the workshop

Facilitators should explain the purpose of the workshop and give a short statement of what is expected of the participants. They should briefly describe the main objectives and ask participants what they themselves hope to learn. This will help validate the needs of participants and define which topics need more attention. These inputs can be recorded on a flipchart.

Outline the agenda

Facilitators should go through the workshop agenda (i.e., what will be done and when, how facilitators plan to go through the sessions, activities, timing, and breaks). Participants should be referred to the timetable of activities that was sent with the invitation letter or, if revisions have been made, hand out a revised timetable.

Provide practical information

Facilitators should briefly describe where the participants can find the main facilities (e.g. restrooms, telephones, eating and smoking areas).

Introduce participants

Facilitators may ask participants either to introduce themselves or use an ice-breaking activity. The choice depends on whether facilitators want to obtain information from participants or establish a particular atmosphere. For the former, facilitators may ask each participant to state his/her name and reasons for participating in the workshop. If they feel that many participants feel uncomfortable about introducing themselves they can think of another activity for the introductory session.

Breaking the ice

Icebreaking activities, or warm-ups, can help facilitators create an informal atmosphere and make the participants feel more comfortable with the facilitators and with one another.

They are designed to help facilitators establish a positive and collaborative environment and to create a climate of openness that facilitates interpersonal relations. Icebreakers are particularly useful in moulding individuals into a group. They are appropriate if participants do not know each other or are feeling somewhat apprehensive about what is going to happen.

Building rapport

Establishing and maintaining rapport is critical to the success of the workshop. Good rapport results in more open interaction between facilitators and participants and among participants themselves. There are sever-

Designing and implementing training workshops:

Guidelines for facilitators

al ways in which facilitators can build rapport. The following are just few examples:

- Use individuals' names when addressing participants and answering their questions.
- Treat everyone with courtesy and dignity.
- Be open and accessible. State that participants are welcome to make their own contributions to the sessions.
- Handle mistakes sensitively and with tact.

Validating the workshop

Evaluation is an important aspect of the training process and should be included in the planning. It provides facilitators with very useful information and feedback on the effectiveness of the training. It ties up directly with the objectives designed at the beginning of the planning process as it will show whether the objectives were achieved. There are four levels of evaluation. The level facilitators choose will depend on the type of information they want. Below are descriptions of the different levels of evaluation, which will guide facilitators in determining the type they will want to carry out.

Reaction evaluation

This type of evaluation aims to collect feedback from participants on: i) course content, including clarity of the course objectives, the effectiveness of instructional methods and the length and pace of instruction, ii) skills and knowledge acquired, iii) course material, including training material and visual aids, iii) facilitator(s) and resource persons, and iv) workshop facilities. A sample of a questionnaire for reaction evaluation can be found in Annex 6 of this Toolkit.

Learning evaluation

The learning level evaluation examines the knowledge and skills acquired by participants. It is content-specific, and based on the performance of participants during training. The learning level evaluation may be done through: i) participation in class, ii) on-going participant evaluation throughout the activities (e.g. the application of knowledge and skills during role-play, case studies), iii) short-answer tests, iv) essays, and in-class observations.

Performance evaluation

The performance level evaluation examines the extent to which the knowledge gained and the skills acquired during the training have been transferred (or applied) to a real environment. The information for this level of evaluation may be gathered through: i) direct observation; ii) supervisors' interviews, iii) performance appraisals, and iv) participants' reports.

Results evaluation

The results level evaluation examines the impact training has had on its ultimate target group. Put another way, it analyzes whether the workshop produced the expected results (e.g. it provided an effective response to the rights at work problems faced by young people).

Annex 4 Instruction methods: Advantages and disadvantages

Method	Advantage	Disadvantage
Lecture - The facilitator has full responsibility for presenting facts and principles orally. <i>Formal lectures</i> are mostly used when presenting information to large groups. Communication is virtually one-way (from instructor to students). <i>Informal lectures</i> include active student participation through the use of questions as an effective two-way communication process.	Allows facilitators to transmit information to a large group of participants in a short period of time. It also provides a good introduction and transition to other instructional techniques. For example, facilitators may use a lecture to introduce a case study, summarize the results and the knowledge gained from the case study, make a transition to the next topic, and introduce the next activity.	Places the burden of learning on the instructor and limits the opportunities for participation and peer learning. It also offers minimal feedback on whether facilitators are getting information across or whether messages are understood by participants.
Questioning – With this method, the facilitator imparts knowledge and skills by asking questions. The knowledge and skills transfer can also take place by having participants directing questions to the facilitator.	Encourages participants to become actively involved in the learning process. It gives feedback on whether facilitators are getting the right messages across. With this method, facilitators may gauge the capacity of the participants to apply the concepts being discussed.	It can be time-consuming. Facilitators should ensure that the questioning process does not lead to irrelevant topics and that it contributes to the achievement of the objectives. Another disadvantage is that it can encourage a dominant few to answer questions, and discourage the shyer types from participating.
Discussion – Through discussion, trainees are prompted to participate in an open forum where they can share ideas. The forum may imply a general group discussion or interaction within smaller groups. Discussions must be purposeful, focused and lead to the achievement of the workshop objectives.	Provides excellent peer-learning opportunities. Participants can exchange ideas, learn from others, compare knowledge and opinions and collectively analyze the points of the discussion.	It can be time-consuming and may lead participants into off-track discussions. This is where effective facilitation skills are needed.

Instruction methods: Advantages and disadvantages

<p>Demonstration - This method aims to provide a “clear picture” of a task to be learned. It is based on the principle that one learns best by doing. Participants learn physical or mental skills by performing these skills under supervision.</p>	<p>Allows participants to demonstrate their skills and get immediate feedback on whether the concepts were properly understood and correctly applied. It also enables them to develop skills and fosters self-confidence through practice.</p>	<p>It requires considerable preparation time and careful planning. Facilitators have to make sure that the demonstration and practice are closely linked to actual situations.</p>
<p>Case study – A case study is a prepared presentation of facts and/ or descriptions of realistic situations that may be based on actual events. Participants are asked to discuss these facts/situations together, and devise the best course of action to take, or the solution to be found.</p>	<p>It helps to develop analytic, judgment, decision-making, and problem-solving skills. It also enhances peer-group learning because participants can observe how the case was perceived and approached by each group, thereby providing the entire class with alternative solutions to a given problem.</p>	<p>It requires time to develop a good case study. Some case studies oversimplify a problem vis-à-vis the actual situation, so that the solutions to these case studies are only partially effective, or completely ineffective, in real-life situations.</p>
<p>Role-play - This is a method through which participants act out situations by assuming assigned roles. The knowledge and skills transfer takes place through simulations where participants are asked to play a role (alone or in small groups).</p>	<p>It helps participants identify with the points of view of others, their attitudes, beliefs and feelings. It allows for exploration of solutions and provides participants with an opportunity to practice new attitudes, behaviour and skills. Finally, it decreases self-consciousness and builds self-confidence in exhibiting new skills.</p>	<p>Some participants may not feel comfortable with this instructional method. To remove resistance to role-playing, the facilitators should explain the benefits of this method in the learning and practicing of new behaviour or skills and stress the exercise it is not about acting abilities but about the proper application of what has been learned.</p>
<p>Brainstorming - This is an instructional method through which all participants are asked to contribute with their ideas to solve a shared problem by considering a variety of possible solutions. Activities are tailored according to the participants’ needs, i.e., the problem is one which they normally encounter in their everyday life.</p>	<p>It allows creative thinking for new ideas, encourages full participation (i.e. all ideas are equally recorded) and draws on group’s knowledge and experience. It creates a spirit of cooperation among participants.</p>	<p>It can be unfocused. Participants may have difficulty getting away from known reality. If not managed well, criticism and negative evaluation may occur. Value to participants depends in part on their level of maturity</p>

<p>Resource person - It is also possible for facilitators to make use of resource persons, i.e. someone who is experienced and knowledgeable and has a high degree of expertise in the field. He/she may have acquired these through years of experience or through higher levels of study or research in the field. There are different ways in which facilitators may use resource persons in their workshop.</p>	<p>It can personalize topics and break down the audience's stereotypes.</p>	<p>The resource person may not be a good speaker. In some case, personalities may overshadow content.</p>
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Annex 5 Sample of a session plan

Session 1

Learning objective	Content	Training resources
	Introduction (10 min) Participants and facilitator Purpose of the training activity Learning objectives of Session 1	Flip chart that lists: Purpose of the training activity Learning objectives of Session 1
List the key features of the country's youth labour market	Facts on young workers (10 min) Presentation of information on young workers in the national context. Activity 1.1. Fair workplaces (10 minutes) Changing labour markets, flexible forms of employment (10 minutes) <ul style="list-style-type: none"> – Presentation on how national labour market changed/is changing Activity 1.2. Flexibility at work: pros and cons (15 minutes)	Flip-chart listing the main obstacles for youth when entering the labour market <i>Rights@Work</i> Cards on Minimum employment age (and exceptions) Maximum hours of work, (including overtime) Minimum wage (if applicable) Rate of overtime pay (if applicable) Part-time work Temporary work Home work
Identify fundamental principles and rights at work	Fundamental rights at work (10 min) Presentation of the ILO and fundamental rights at work Forms and grounds of discrimination	Preparation of a flip chart that lists: Fundamental rights at work Coloured cards on prohibition of discrimination
Define “decent work”	Decent Work (20 min) Presentation of the concept of decent work Activity 1.4 Decent Work millionaire (30 minutes) merged with Activity 1.3 <i>This is it! Say no to discrimination!</i> Closure (5 min) Summary of key learning	Preparation of a flip-chart that lists the key elements of decent work. List the key learning points on a flip chart.

Annex 6 Validation questionnaire

Validation Questionnaire

Workshop: Rights@work for young people: Decent work for youth

Venue:

Dates:

Please respond to the questions listed below. Rate aspects of the workshop according to the criteria indicated in each question. Please be candid in your responses. This questionnaire is anonymous and the results will be shared only in an aggregated form. Your feedback is sincerely appreciated. Thank you.

	Yes	Mostly	More or less	Partly	No
1. Were the objectives, content and method of the workshop clarified before its start?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
After this workshop, I consider that:	Fully	Mostly	More or less	Partly	No
The training activity was well structured and well organized	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The facilitation was very professional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The training activity focussed on key issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The facilitator/resource persons took into account participants' feedback	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The content delivered was appropriate and interesting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The group of participants contributed to my learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The learning methods were appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The venue suited participants' needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Validation questionnaire

After this workshop, I consider that:		Fully	Mostly	More or less	Partly	No
The objectives of the workshop have been achieved		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What I have learned will have positive impact on my work		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, I consider this workshop as						
Very relevant	<input type="checkbox"/>					
Relevant	<input type="checkbox"/>					
More or less relevant	<input type="checkbox"/>					
Barely relevant	<input type="checkbox"/>					
Irrelevant	<input type="checkbox"/>					
How would you improve this training activity? (Check all that apply)						
<input type="checkbox"/>	Provide better information before training activity	<input type="checkbox"/>	Clarify the training activity objectives			
<input type="checkbox"/>	Reduce content covered	<input type="checkbox"/>	Increase content covered			
<input type="checkbox"/>	Update content covered	<input type="checkbox"/>	Improve the instructional methods			
<input type="checkbox"/>	Make activities more stimulating	<input type="checkbox"/>	Improve the organisation			
<input type="checkbox"/>	Make the training activity less difficult	<input type="checkbox"/>	Make the training activity more difficult			
<input type="checkbox"/>	Slow down the pace	<input type="checkbox"/>	Speed up the pace			
<input type="checkbox"/>	Allot more time for the training activity	<input type="checkbox"/>	Shorten the time for the training activity			
After this workshop, how relevant do you think the following topics are for you?						
		Very relevant	Relevant	More or less	Barely	Irrelevant
Fundamental rights at work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decent work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flexible labour market	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Basic requirements of an employment contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hours of work, rest periods and holiday with pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pay and deductions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your rights and responsibilities regarding safety and health at work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Identification and control of hazards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exercising your rights at work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Once you go back to your work or start working, what else would you require to successfully put in practice what you learned?						

Which parts of the workshop were most useful and why?

Which parts of the workshop were least useful and why?

Any additional comment about this workshop?

