

BY SUMUDU CHAMARA

Earlier this month, it was reported that Sri Lanka formally ratified the International Labour Organization's (ILO) Convention No. 190 on the Elimination of Violence and Harassment in the World of Work (C190).

Adopted in 2019, C190 aims to ensure workers' right to working conditions free from violence and harassment, including gender-based violence and harassment, and is the first international treaty to recognise workers' right to be free from such treatment. According to the ILO, with 50 ratifications in six years, C190 is the fastest-ratified ILO convention of the past decade.



Toward harassment-free workplaces

Ratification and implementation

According to trade union representatives, the ratification of C190 is a welcome move. However, they stress the importance of going beyond mere ratification to include its provisions in labour laws in order to ensure that workers benefit from it.

In this regard, Commercial and Industrial Workers' Union President and attorney Swasthika Arulingam noted that the benefits of C190 will only become a reality if the government enacts the necessary legal provisions through an Act of Parliament. She added that since Sri Lanka is a dualist nation, simply because a convention is ratified, that convention does not automatically become law in Sri Lanka.

She told *The Morning Money*: "The government can only truly stand in alignment with the principles of the convention if it brings a Bill to Parliament reflecting the values, principles and provisions of C190. Until the government actually brings corresponding legislation to Parliament legalising C190 in Sri Lanka, the actual benefits of the convention will not reach Sri Lankan workers."

Meanwhile, Free Trade Zones and General Services Employees' Union General Secretary Anton Marcus explained that C190 is crucial for workers as it provides broad safety measures that are not limited to the workplace but also extend outside the workplace. According to the ILO, C190 applies to violence and harassment that occur "during, in connection with, or as a result of work."

Marcus added: "Ratification is a positive move. But what is more important is to enact laws to implement this."



▲ Free Trade Zones and General Services Employees' Union General Secretary Anton Marcus

Speaking with *The Morning Money*, Marcus expressed concerns that although Sri Lanka has ratified a number of international conventions, adequate laws have not been enacted to ensure their implementation: "Two of the key ILO conventions are Convention No. 87 on the Freedom of Association and Protection of the Right to Organise and Convention No. 98 on the Right to Organise and Collective Bargaining. However, laws have not been enacted for their implementation. There is one law in this regard, but even that has gaps."

Attempts to contact the Labour Ministry to discuss the implementation of C190 were not successful. However, the Cabinet of Ministers' statement issued in this regard last month noted that the relevant proposal approved by the Cabinet included taking the necessary steps to ratify C190 as well as to introduce legal provisions for its implementation.

On its social media pages, ILO Sri Lanka said that the instrument of ratification will be deposited with the ILO in Geneva, Switzerland.



▲ Commercial and Industrial Workers' Union President and attorney Swasthika Arulingam

A promising step

University of Colombo's lecturer in business economics and Ceylon Foundation for Economic Policy Analysis (CFEP Sri Lanka) Chairperson and Director Pasan M. Wijayawardhana explained that the ratification and implementation of C190 have several key potential benefits for Sri Lanka's workforce.

"Given that C190 helps create workplaces where violence, harassment and bullying are not tolerated, this will promote safe workplaces for workers and will also ensure clearer protection and complaint mechanisms," he told *The Morning Money*, adding that this will extend not just to safety but also to respect for workers.

According to Wijayawardhana, another potential benefit is higher productivity and better performance. This is related to another benefit, i.e. improved physical and mental health among workers, regarding which he added that the proper implementation of C190 or related measures will reduce productivity-related issues stemming from poor mental health. At the same time, when there is a safe environment, the additional costs



▲ University of Colombo's lecturer in business economics and Ceylon Foundation for Economic Policy Analysis (CFEP Sri Lanka) Chairperson and Director Pasan M. Wijayawardhana

companies have to incur due to mental and physical health issues will also decline, which he noted has benefits for both employers and employees.

Noting that one of the common, stagnant issues in Sri Lanka's economy is the poor labour force participation of women, he added: "Safer work environments encourage more women to enter the workforce and stay in jobs. When we look at Sri Lanka's education system, most universities are filled more with girls. But, when we look at the labour force, only around 30% is represented by women. One of the key reasons for this situation is safety issues. When this (C190) is implemented, a safer work environment will encourage women to join the labour force."

In addition, Wijayawardhana pointed out that this would lead to reduced absenteeism and staff turnover as well as a good employer reputation.

In addition to Sri Lanka, Bangladesh is the only country in South Asia to have ratified C190.