

Master of Arts in Labour Studies – 1999/2000

**A Study of the Labour Laws and Statutes Governing the
Employer-Employee relationship in Sri-Lanka and their Social
and Economic Consequences in terms of the
Development of the Law**


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Abstract

This study contains valuable information not only for academic purposes, but also for the legal practitioner, since I have incorporated most of the recent trends and cases upto the year 2000. Although there is no statistical or empirical evidence to support the social and economic consequences, there is sufficient development by way of case law, amendments, alterations and additions to statutes to show us of the bearing legislation has on the employer-employee relationship where society and economy is concerned, not only from the point of view of the worker but also from the point of view of the employer, as both powers have to blend in harmony for a better welfare envisaging society and the economy.

This study was also a very interesting one for me as I started doing it during my early days of passing out from Law College and while at the private bar, even though by the time I completed it, I was in employment, conducting research, referring books, law reports, authorities and journals was very interesting and at times there were certain issues which I had to exclude as they were entirely a topic of their own, for example: Child Labour. I must also mention that while writing this dissertation, several important changes took place, the Industrial Disputes (Amendment) Act No.56 Of 1999 was one such Act, along with certain other landmark decisions. And this further goes to tell us that "*Conflict begets change and Change begets Conflict*". In other words when Social and Economic influences affect the legal structure, relevant adjustments have to be made either by law or by judicial decisions, at the same time where the legal structure is not conducive to the smooth running of the system, it will influence the social and economic status, in such a manner (either aggressively or passively) that the cycle will commence once again. As Karl Marx commented "*Conflict cannot be eradicated, but it can be minimized*".

Limitations of the Study

As mentioned above, several changes took place to the sphere of labour law by way of landmark decisions and Legislations during the period I was involved in writing this dissertation. I have covered most of the important changes and amendments upto the year 2000. However due to the reasons mentioned above, some of these findings will be subject to change depending on any amendments to the legislation governing the particular area .Some provisions may even become obsolete over a period of time. Another limitation is that, since I am confined to the prescribed number of words for this study I was unable to analyse each and every provision of the selected statutes, instead I extracted the most important operative

provisions therein. Therefore it does not, in any sense mean that there would be no case law or legislative amendments governing the other areas in those statutes. However, I took great pains to obtain the relevant case law that would match the important operative provisions of the law selected by me and in that sense, I could confidently say that the selected operative provisions were adequately covered. I would also like to mention that I have not included suggested reforms for each and every selected statute as there are some which reforms may be unnecessary, in any event only some of the major statutes are covered when considering the subject of reforms or recommendations. As reforms of any sort require structural or policy change, the authenticity of the proposer of such reforms, their genuineness and importance is a vital factor to be considered. It is for this reason that a greater proportion of reforms suggested in this study were arrived at by studying the "labour law Reforms" submitted by the Employers' Federation of Ceylon, to the Ministry of Labour and other concerned state authorities.