

Questionnaire on the "Nexus between Displacement and Cotemporary Forms of Slavery

Q5).

Are the same labour standards applicable to all categories of displaced persons, including IDPs?
Are these standards the same as those applicable to (other) nationals of the country?

Yes.

In accordance with Sri Lankan labour laws, labour standards are applicable to all employees equally and equitable manner. There is no discrepancy when applying labour laws for IDP's or other nationals.

Q7)

What arrangements (in law, policy and practice) there are protection of the Labour rights of displaced persons for states not parties to these instruments.

As existing Labour laws are applicable to any person who work in Sri Lanka, displaced person is also covered if he works in Sri Lanka. Further, existing mechanism such as Grievance Handling System and Labour Inspection system are effective in addressing those issues.

In addition, there is Inter-ministerial Anti-Trafficking Task Force to monitor and take proper actions to combat human trafficking. This Task Force takes messes related to Forced Labour also.

In Sri Lanka migrant workers enjoy benefit of Social Security Contribution immediately after leaving employment. Migrant workers are entitled to withdraw his or her social security contribution at the time of termination. He can withdraw and he could take this money with him when he leaves the country. But in many other countries they have to wait until retirement age to get their social fund to their hand and faces lot of difficulties.

Q11)

Are mechanisms in place to protect exploited workers and to prosecution violations of labour /imagination laws in county?

Yes. There are effective legislations and mechanism in place to protect exploited workers from prosecutions.

1) **Assistance to and Protection and Victims of Crimes and Witnesses Act, No.4 of 2015** have provisions to protect all victims and witnesses of crimes. Section 2 sets out the objectives of the Act.

- (a) set out, uphold and enforce the rights and entitlements of victims of crime and witnesses and to provide for a mechanism to promote, protect, enforce and exercise such rights and entitlements;
- (b) provide assistance and protection to victims of crime and witnesses;


3/12

- (c) enable victims of crime to obtain compensation from persons convicted of having committed offences against them;
- (d) provide for obtaining redress by victims of crime, including restitution, compensation, reparation and rehabilitation of such victims;
- (e) set out duties and responsibilities of the State, judicial officers and public officers towards the promotion and protection of the rights and entitlements of victims of crime and witnesses;
- (f) stipulate offences that may be committed against victims of crime and witnesses and the penal sanctions that may be imposed on persons who commit such offences; and
- (g) provide for the adoption and implementation of best practices relating to the protection of victims of crime and witnesses.

Sri Lanka enacted this legislation to protect victims of crimes and set up supporting institutional mechanism. This Act is sufficiently enough to protect the victim of slavery and access to effective remedy such as compensation.

- 2) "National Authority for the Protection of Victims of Crimes and Witness" also established in 2016 under the above Act.
- 3) Wages Board Ordinance No: 27 of 1941 and Shop and Office Employees Act are having provisions to protect exploited workers and to prosecute violations.

Worst Forms of Child Labour as affecting displaced children.

Questions (a), (b) and (c) are not relevant to the Department of Labour

- (d) **Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.**

Hazardous Employment Regulations, under the Employment of Women, Young Persons and Children Act, Number 47 of 1956 consists of 51 instances of hazardous occupations for the young persons engaged in occupations. This list has been reviewed and the new draft regulations have also been prepared. The draft regulations too have already been approved by the Cabinet of Ministers and this amendment too is at the final stage with the Department of Legal Draftsmen. The following information are submitted in relation to child labour situation in Sri Lanka.

Department of Labour conducted a series of group inspections to identify child labour and hazardous child labour occurrences. Statistics relating to these group inspections is given below.

year	Group inspections	Number of work places inspected	Number of child labour identifications
2018	101	472	0
2019	67	236	0
2020	57	285	0

Department of labour receives child labour complains through various means, specially through the hotline established under National Child Protection Authority, and these complains are investigated giving special priority by the island wide labour offices, under the monitoring of the Women and Children's Affairs Division of the Department. Child labour complains received during the Covid-19 pandemic too were investigated even though the other routine inspections of the labour officers were not performed. The progress achieved on the investigation of child labour complains is depicted in the table below.

Complaint year	Total complaints	Child labour	Hazardous Child Labour
2016	157	2	0
2017	95	3	0
2018	127	3	0
2019	173	4	2
2020(as at 19.06.2020)	60	1	1

The number of complaints received by the Department on child labour has an increasing trend due to the large scale awareness programs carried out by the government. Further, it is observed that there is a genuine trust and belief towards the process of child labour investigations among the general public and interested parties. However, only 8 child labour cases and 3 hazardous child labour cases have been identified during 2018, 2019 and up to 19.06.2020. Prosecution against the employers is initiated on violations and referring these children to secured means of living too has been undertaken by the Department with the help of other responsible institutions. All vulnerable children identified through the complaints are referred to the respective government institutions enabling the provision of safety and wellbeing aspect of the concerned children.

Further, National Steering Committee on Child Labour which is Inter-Ministerial coordinating mechanism meet regularly and take proper actions to eliminate worst form child labour.


3/15