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Sri Lanka's law against hostage taking used in a labour dispute

By Dilshani Samaraweera

The Free Trade Zone and General Services Employees Union is protesting against the use of the 'Prevention of Hostage Taking Act' to indict 37 trade unionists in a garment factory in Biyagama. This is the first time the law against hostage taking has been used in a labour dispute in Sri Lanka.

The union says the decision to indict 37 of its members working at G.P.Garments, under the Prevention of Hostage Taking Act No 41 of 2000, was communicated to the Magistrate, by the police, on July 16. The union says the indictments are a violation of trade unions rights and says it is considering going before International Labour Organisation (ILO) and complaining to the European Commission, unless the indictments are withdrawn.

"We wrote to the Minister of Labour, Athauda Seneviratne on July 21 but there has been no acknowledgement so far," said the joint secretary of the Free Trade Zone and General Services Employees Union, Anton Marcus.

"If the government does not take steps to withdraw the indictments, we will have no option but to contact our global trade union affiliates and to go before the ILO. We may even have to lodge a complaint with the European Commission in Brussels regarding this violation of labour rights, and this could impact on the extension of the GSP+," said Mr Marcus.

The union says the indictment is based on a labour dispute in 2005 where workers conducted a sit-down-strike inside the factory premises. The union denies that the management was held hostage. "Sit-down-strikes are accepted by our law and also the ILO. There was no hostage taking. The management was in the building to negotiate with the workers. They were not held hostage," said Mr Marcus.

G.P. Garments Pvt Ltd, located inside the Biyagama Free Trade Zone, confirmed the indictment and said it used this law against trade union activists because its management was held hostage by the workers, under the guidance of the trade union members.

"The workers committed an act of 'gherao' for the first time in Sri Lanka. That is, the workers encircled the factory and prevented the management from leaving the premises and prevented others from coming to their rescue. Some of the managers were expatriates. They were held inside the factory for over eight hours and were eventually released only when the STF (Special Task Force) was called in," said Neville Joseph, advocate and labour consultant to GP Garments.

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