



Jaqalanka

union fails to win recognition

29 Jul 2003,

Dear Friends,

Please find below an update and request for action on the Jaqalanka case based on recent reports from the Free Trade Zone Workers Union (FTZWU). Sample letters with e-mail addresses are included. Please take a moment to send out letters of protest today.

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### Jaqalanka union fails to win recognition

Attempts to win recognition for a union at the Jaqalanka garment factory, located in the Katunayaka EPZ in Sri Lanka, were unsuccessful.

Only 4% of Jaqalanka workers (17 out of an official total of 399 workers) participated in the July 9 referendum on the union. One vote was deemed invalid. Of the valid votes cast all were in favor of the union. In order to win the election, the union needed to demonstrate that it had 40% membership.

The Free Trade Zone Workers Union (FTZWU) reports that "it was very clear that intimidation tactics were still being used by management even while the referendum was being conducted. Management officials who have been involved in harassment and intimidation were going to all the sections of the factory as the referendum was being conducted under the pretext of carrying out production processes. This intimidation was pointed out to the Labor Department officials who were coordinating the referendum, but they did not take any action." The official report filed by international observers found that the election "was marred by the clumsiest of employer intimidation. The government of Sri Lanka did nothing about it."

In the months leading up to the vote, union members (reported to be around 50%) had endured a campaign of threats, harassment, and intimidation waged by management. Management representatives pressured workers not to vote for the union and threatened to close down the factory if the union was voted in. Management was reportedly delighted by the election results and organized a celebratory party for male workers that night.

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### RECENT EVENTS

Anti-union intimidation continues at Jaqalanka Ltd. On July 14th a Nike auditor again visited the factory and met with the union branch secretary and assistant treasurer and enquired about what transpired on the day of the election. The branch secretary and

assistant treasurer explained what happened, and the auditor also spoke with other workers. The next day the branch secretary was threatened by the cutting section manager Mr Mahilal. Mahilal used obscene and abusive language and asked why the branch secretary had spoken to the Nike auditor. He threatened the branch secretary saying that if the factory closes he would take a knife and stab him, and he was ready to go to jail. The branch secretary made a complaint in writing to the Nike auditor and asked for protection of his and his life this complaint was handed over on 16 July.

On July 16th a union representative went to the Negombo Labour Office to meet with Jaqalanka Ltd management, as agreed on 29 May 2003, prior to the referendum, but management did not show up. The Assistant Commissioner, Negombo, told the union rep that he had sent the file to Colombo and had nothing further to do with the matter.

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## REQUEST FOR ACTION

The union believes the referendum was illegitimate and therefore should be declared "null and void."

They request that the companies doing business with Jaqalanka Ltd VF and Nike -- be asked to pressure Jaqalanka management to respect workers rights. Specifically, they should request that new union elections without employer intimidation are held, and that the employer makes a clear statement to the workers that they respect freedom of association and will take a positive attitude to trade unions and union activities.

The union also demands that the Minister of Labour should take action against those involved in the intimidation, including officials from the Labour Department and the Board of Investment (BOI). Sample letters of protest to VF, Nike, Jaqalanka management, and the Minister of Labor follow. Please send copies of your protest letters to the FTZWU (e-mail: [ftzunion@diamond.lanka.net](mailto:ftzunion@diamond.lanka.net)).

For more background information on this case and to see the election report filed by the team of international observers, please see the TIE-Asia website <<http://www.tieasia.org/Jaqalanka.htm>> of the CCC website <[www.cleanclothes.org](http://www.cleanclothes.org)>.

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## SAMPLE LETTERS

(please adapt and send)

Managing Director  
Jaqalanka Ltd  
Fax: 94 1 22 52 461

Email: [jaqa@jaqalanka.com](mailto:jaqa@jaqalanka.com)  
[dinesh@jaqalanka.com](mailto:dinesh@jaqalanka.com)  
[jaqalank@sri.lanka.net](mailto:jaqalank@sri.lanka.net)

(insert date) July 2003

Dear

The results of the referendum held on Wednesday 9 July 2003 in your factory, to determine if the Free Trade Zones Workers Union (FTZWU) has 40% membership and can therefore be recognised as a collective bargaining agent, clearly demonstrated the intimidation tactics of Jaqalanka Ltd management and officials not only in the lead up to, but also during the election.

The report of the international observers also highlights the intimidation and harassment of Jaqalanka Ltd management.

I have been informed that intimidation, harassment and threats made to union members, particularly branch union officials, continues in your factory.

Therefore I support the FTZWU in their view that the referendum was illegitimate and therefore should be declared "null and void". Additionally, we support the union's request that the referendum should be rerun without employer intimidation and with all safeguards in place to ensure a free and fair election. I request that you make a clear and public statement to Jaqalanka workers informing them that you respect the right of freedom of association and will take a positive attitude to trade union organisation and activity.

For your information, I am contacting those companies (Nike, VF) that do business with your company to tell them of my concerns regarding this anti-union behavior. I have requested that they support calls for a new election -- one without employer intimidation. I will also contact the Minister of Labour to request that action be taken against those involved in the intimidation including officials of the Labour Department and the Board of Investment (BOI).

I urge you to respect workers rights and to stop intimidation tactics immediately.

Yours sincerely

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VF Corporation  
Fax: 1 336 547 7630  
[irrequest@vfc.com](mailto:irrequest@vfc.com)  
[jocelyn\\_berner@vfc.com](mailto:jocelyn_berner@vfc.com)

Nike

Fax: 1 503 671 6300

[vada.manager@nike.com](mailto:vada.manager@nike.com)

[philip.knight@nike.com](mailto:philip.knight@nike.com)

(insert date) July 2003

Dear

The results of the referendum held on Wednesday 9 July 2003 at your supplier factory Jaqalanka Ltd in Sri Lanka, to determine if the Free Trade Zones Workers Union (FTZWU) has 40% membership and can therefore be recognised as a collective bargaining agent, clearly demonstrated the intimidation tactics of Jaqalanka Ltd management and officials not only in the lead up to, but also during, the election.

The report of the international observers also highlights the intimidation and harassment of Jaqalanka Ltd management.

I have been informed that intimidation, harassment, and threats made to union members, particularly branch union officials, continues in your supplier factory.

Therefore I support the FTZWU in their view that the referendum was illegitimate and therefore should be declared "null and void". Additionally, I support the union's request that the referendum should be rerun without employer intimidation and with all safeguards in place to ensure a free and fair election. Please contact your supplier immediately and request that they meet the union's demands. I urge you to press them to make a clear and public statement to Jaqalanka workers informing them that you respect the right of freedom of association and will take a positive attitude to trade union organisation and activity.

The union believes that the Minister of Labour should take action against those involved in the intimidation including officials of the Labour Department and the Board of Investment (BOI).

I believe that your company has an important role to play in seeing that conditions improve at Jaqalanka. I urge you to contact Jaqalanka management and the ministry of labor today to follow up on these very serious issues.

I hope that you will take steps today to ensure that your supplier factory respects workers rights and immediately stop intimidating and harassing workers who are trying to exercise their legal right to freedom of association.

Yours sincerely

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Minister of Employment and Labour  
Honourable Mahinda Samarasinghe  
Fax: 94 1 588 950  
[emlab@sltnet.lk](mailto:emlab@sltnet.lk)

(insert date) July 2003

Dear

The results of the referendum held on Wednesday 9 July 2003, to determine if the Free Trade Zones Workers Union (FTZWU) has 40% membership and can therefore be recognised as a collective bargaining agent, clearly demonstrated the intimidation tactics of Jaqalanka Ltd management and officials not only in the lead up to, but also during the election.

The report of the international observers also highlights the intimidation and harassment of Jaqalanka Ltd management.

Further we are informed that intimidation, harassment and threats made to union members, particularly branch union officials, continues in this factory in the Katunayake FTZ.

Therefore we support the FTZWU in their view that the referendum was illegitimate and therefore should be declared "null and void".

Further, we support the union's demands as follows:

- The referendum should be rerun without employer intimidation and with all safeguards in place to ensure a free and fair election.
- All those doing business with Jaqalanka Ltd should be asked to force the company to respect workers rights and have the election rerun not only without employer intimidation but with a clear statement from the employer to workers that they respect the right of freedom of association and will take a positive attitude to trade union organisation and activity.
- The Minister of Labour should take action against those involved in the intimidation including officials of the Labour Department and the Board of Investment (BOI).

We urge you to take action and ensure that the violation of workers rights stops immediately.

Yours sincerely

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Arjunna Mahendran  
Chairman/Director General  
The Board of Investment of Sri Lanka  
Fax: 94 1 329795  
[arjunnam@boi.gov.lk](mailto:arjunnam@boi.gov.lk)  
[infoboi@boi.gov.lk](mailto:infoboi@boi.gov.lk)

(insert date) July 2003

Dear

The results of the referendum held on Wednesday 9 July 2003, to determine if the Free Trade Zones Workers Union (FTZWU) has 40% membership and can therefore be recognised as a collective bargaining agent, clearly demonstrated the intimidation tactics of Jaqalanka Ltd management and officials not only in the lead up to, but also during the election.

The report of the international observers also highlights the intimidation and harassment of Jaqalanka Ltd management.

Further we are informed that intimidation, harassment and threats made to union members, particularly branch union officials, continues in this BOI enterprise in the Katunayake FTZ.

Therefore we support the FTZWU in their view that the referendum was illegitimate and therefore should be declared "null and void".

Further, we support the union's demands as follows:

- The referendum should be rerun without employer intimidation and with all safeguards in place to ensure a free and fair election.
- All those doing business with Jaqalanka Ltd should be asked to force the company to respect workers rights and have the election rerun not only without employer intimidation but with a clear statement from the employer to workers that they respect the right of freedom of association and will take a positive attitude to trade union organisation and activity.
- The Minister of Labour should take action against those involved in the intimidation including officials of the Labour Department and the Board of Investment (BOI).

We urge you to take action and ensure that the violation of workers rights stops immediately.

Yours sincerely



## **THIS APPEAL IS CLOSED!!**

### Timeline of events in Jaqalanka Ltd dispute

#### End of March 2003

Prior to 2003, the workers of Jaqalanka Ltd received a festival bonus each year during the April New Year holidays, since the beginning of the factory's operations in 1978.

But in 2003 management told workers they could not pay the festival bonus because the company was operating at a loss. Workers did not accept this because there was no change in the manufacturing of goods between last year to this year and workers believed that the company was in a position to pay the bonus, of at least the amount they paid last year (one month's salary).

The Workers Council raised this issue with the management and had discussions but all the attempts failed.

#### 4th April 2003

On 4th April 2003 as the company continuously said they were not going to pay even a single cent as a bonus for this year, most of the production sections stopped work after lunch and refused to go back to work.

The same day evening workers met with Free Trade Zone Workers Union (FTZWU) officials at the union's Katunayake centre and workers decided to join the union and seek union intervention to settle the dispute.

Further, the workers decided to go back to work to give the union the opportunity to discuss with management and arrive at an amicable settlement.

About 220 workers (of a total of 400 workers in the factory) joined the union and formed a branch union and elected their office bearers.

#### 5th April 2003

When the 220 workers reported for work on 5th April 2003 management refused to take them back. Workers wrote a letter to management requesting them to take them back and settle the dispute. In that letter they mentioned they had become members of the FTZWU.

The union wrote a letter to the Commissioner of Labour and Industrial Relations about the dispute about the non offer of work, when workers reported for work on 5th April and requested him to intervene. A copy of this letter was sent with a covering letter to the Assistant Commissioner, Negombo, who is in charge of FTZ factories, and requested him to intervene.

#### 7th April 2003

On 7th April when workers reported for work as usual, management asked them to sign a letter of condition, which stated that they wanted to get their pardon, and admitting that they were engaged in an illegal strike. Workers refused to sign this letter. There was discussion among the workers and management, and the conditions were amended.

Workers signed a letter, which said if there was any inconvenience caused because of their action they regretted it. But there was no admission of illegal strike or seeking pardon. Management agreed to take the workers back from 8th April 2003.

9th April 2003

By letter dated 9th April the union informed management of the office bearers of the branch union and requested them to deal with the branch union.

Workers worked in the factory until 11th April, and from 12th to 20th April the factory was closed for the New Year. The workers reported for work on 21st April 2003.

10th April 2003

Management paid workers ¼ salary bonus for the New Year festival, not the usual full month's salary.

23rd April 2003

By letter dated 23rd April the Assistant Commissioner of Labour, Negombo informed both parties to attend a discussion on 7th May 2003 at 11.15am in Negombo to discuss matters mentioned in the union letter dated 5th April 2003.

5th May 2003

On 5th May 2003 as advised by the union, the branch union officials submitted a letter to management asking for leave to attend the meeting on 7th May at the Negombo Labour office. When the branch union handed this letter to the Human Resources Manager she told them that the company has found out the particulars about the union's general secretary, Anton Marcus, stating that he is a thief and he is the one who wants to continue this union. She said the company would not give leave to the workers, and that management was not going to participate in the meeting either.

6th May 2003

On 6th May 2003 the union wrote a letter to Assistant Commissioner of Labour, Negombo and complained about the statement of the Human Resource Manager and according to that statement management does not recognise the union and asked for a referendum to be arranged under the provision of the No.56 of 1999 Industrial Disputes Amendment Act. Further the union requested the Assistant Commissioner of Labour to advise management to prevent such action because it is a violation of the provision of the abovementioned act. This letter was handed over on 7th May 2003 when the union representative went to the discussion in Negombo.

7th May 2003

On 7th May 2003 when the union representative went to the discussion in Negombo, management allowed three office bearers to come to participate, but handed over a letter asking for a postponement of the discussion because their lawyer was not available on that day. When the branch representative handed over the letter, dated 6th May 2003, to the Assistant Commissioner of Labour, he made some remarks against the union and said: "Do you know the law related to this? And it seems the situation is getting is worse."

The Assistant Commissioner had already informed management about postponing this discussion to the 21st May 2003, before the union representatives met with him. The

union representative requested for another postponement as the general secretary of the union was going abroad on that day. The Assistant Commissioner said "your general secretary blamed us on the TV, and then he has gone abroad." The next discussion was postponed 29th May 2003.

22nd May 2003

At about 10.30am, Mr Arjuna Mahendran, Director General/Chairman of the Board of Investment (BOI) of Sri Lanka, together with Katunayake officers of the BOI, visited the factory and insisted members resign from the union (see letter attached 28th May 2003.)

23rd May 2003

The Assistant Commissioner of Labour, Negombo visited the factory and had a discussion with selected workers from each section and told them not to work with outsiders and try to settle these matters directly with the management.

The union made a complaint by letter dated 28th May 2003, addressed to the Honourable Minister of Employment and Labour Mahinda Samarasinghe, regarding the behaviour of the Director General/Chairman of the BOI, and the Assistant Commissioner of Labour, Negombo.

To date, there has not even been an acknowledgment of this letter.

28th May 2003

On 28th May 2003 the union wrote to the Director General/Chairman of the BOI about his visit and his insistence of members to resign from the union.

29th May 2003

On 29th May 2003 both parties were at the discussion before the Assistant Commissioner of Labour, Negombo. The lawyer who appeared for the company, appreciated the letter dated 5th April 2003 sent by the union and said that the letter was intended to discuss matters with management to arrive at an amicable settlement, so therefore the management was willing to discuss with the union these matters. But to do that, the union must prove that they are qualified for the collective bargaining negotiations as mentioned in the No.56 of 1999 Industrial Disputes Amendment Act. The union representatives said they were willing to do that.

Then both parties to agreed to meet again before the Assistant Commissioner on 16th July at 10am after the referendum to discuss the matters mentioned in the 5th April letter. In the meantime both parties agreed to prevent any disturbance during this period, to maintain the status quo until the meeting of 16th July 2003.

3rd June 2003

By letter dated 3rd June 2003 the Director General/Chairman of the BOI replied to the union's letter dated 28th May 2003 denying that he insisted workers should resign from the union membership (see attached letter).

4th June 2003

The Assistant Commissioner of Labour informed both parties that as requested by the union letter dated 5th April, the referendum should be held within 30 days from 6th June 2003. The general secretary of the union, talked to one of the directors of Jaqalanka Ltd, Dinesh Senaratne, over the telephone on 9th and 12th of June to agree for a date to hold the referendum. Since there was no agreement, the union proposed two dates, 26th June 2003, or 27th June and wrote to management by letter dated 13th June 2003 with a copy sent to the Assistant Commissioner.

13th June 2003

By letter dated 13th June 2003, the union responded to the Director General/Chairman of the BOI's claims that he did not insist workers should resign from the union membership (see attached).

18th June 2003

On 18th June 2003 at 2pm both parties met the Assistant Commissioner of Labour to decide the date and venue of the referendum. At the discussion both agreed to hold a referendum on 9th July 2003, at the canteen of the Jaqalanka factory. The Human Resources Manager who attended the discussion handed over the list of the workers who are eligible for voting to the Assistant Commissioner and a copy of which handed over to union representatives. Further, she agreed to put this list of names into the factory, which the workers can read and if there was any objection then they can raise them according to the regulations of the referendum.

According to the regulations related to the referendum the entitlement of the voting rights will be only the workers who have worked minimum of 90 days before the date of the referendum. But when the union read the list of 442 names provided by management they found it consisted of about 40 workers who have resigned, or been dismissed from the company.

18th June 2003

On 18th June 2003 after the discussion at the labour department, the chief manager of the packing and ironing section called the workers of those sections and told them that if they are going to vote for the union he is going to resign, and if they love him don't vote for the union.

19th June 2003

19th June 2003 Jaqalanka Ltd directors Mr Hiran Fernando and Mr Dinesh Senaratne called the workers of quality control, cutting and packing sections and asked them: "Why are you paying Rs20 for the union? Are you going to support outsiders or are you going to support the people who look after you for 25 years as your parents?"

20th June 2003

By letter 20th June 2003 the union made a complaint to Assistant Commissioner with a copy to the Minister of Labour, Director General/Chairman of BOI, Commissioner of Labour and the company complaining about the abovementioned unlawful actions of the

management. They also made complaint that the company had not yet put up the list as agreed on 18th.

To date there has been no response from anyone to this letter.

21st June 2003

Jaqalanka directors Mr Dinesh Senaratne and Mr Hiran Fernando, and the human resources manager called workers of C and D sections and told them that this union has closed down five factories and they do not reply to these allegations.

By letter dated 21st June the union wrote to Mr Dinesh Senaratne and told him the union has not closed down any factory, but if you say so, can you please provide the names of the factories and on what grounds they closed down because of our union. Further the union said this type of statement disturbs the relationships that we are trying to build between your company and our union and requested him to prevent such action.

To date there has been no reply.

23rd June 2003

The general secretary of the union met the Commissioner of Labour and Industrial Relations in Colombo and told him that the company had not put up the notice of list of names of those eligible for voting, and the union found some of those listed had already resigned. They requested him to advise the Assistant Commissioner of Labour, Negombo to take action. The Commissioner of Labour talked to the Assistant Commissioner of Labour, Negombo over the phone in the presence of the general secretary and advised him to go to factory and tell them to put up the notice, but don't mention about the names. The Commissioner assured the general secretary the Assistant Commissioner would visit that day afternoon itself. But he in fact did not visit until the 24th.

24th June 2003

The Assistant Commissioner visited the factory and handed over a new list of workers entitled for voting with his stamp, which consisted of only 402 names. The list was also handed to the union branch secretary. When the branch secretary told of the harassment and threats caused by management, the Assistant Commissioner said to make a complaint to the police station.

24th June 2003

Director Dinesh Senaratne called the branch secretary and assistant secretary and assistance treasurer and warned them against being involved with the union.

25th June 2003

At about 10.15am director Dinesh Senaratne called the workers in the A section where the branch secretary and assistant treasurer are working and shouted at the assistant treasurer and told her she would be struck down by lightning because of her involvement in the union and verbally abused the general secretary of the union. He also said if for some reason workers are going to lose their jobs you three have to take the responsibility,

you should ask the general secretary to offer the work to the workers. Further, if the union is going to win in the election, definitely they are going to close the factory and the secretary, and the assistant secretary and assistant treasurer should take the responsibility.

On the same day afternoon Senaratne called all the workers in the A section to his room and asked them to take pardon from him and promise they are not going to do any of this work (union) in the future and that there is no need to have an election.

26th June 2003

Management of the cutting section Mr Mahial and Mr Santha Jayakody called the branch secretary and asked him to give a letter resigning from the post of the union. When the branch secretary told them he can't take the decision his own, and had to have to have a committee meeting, they asked him to call the meeting. The branch secretary called the committee members and they decided not to resign from the union, but to go ahead with the election. They informed the managers Mahial and Jayakody, and asked them to inform the director Dinesh Senaratne when he came to the factory. When Senaratne came he called the committee members, the branch secretary told him no one is going to resign from the union. Then the director threatened each one and asked them - do you want an election? The assistant secretary said yes I want. And then verbally abusing her, asked her to go aside - and told her you are the person spreading all the problems in the factory and you should resign, now itself. He used abusive language. The assistant secretary said she didn't want to resign, but if the management wanted they could dismiss her. Senaratne said he knew how to dismiss her, and he would do it beautifully and asked all three office bearers to give their resignation. Then he called all the workers of the factory that day evening and asked them, who wants the election? Workers kept silent because of the threats they are facing. After that management circulated a letter prepared by them saying that they are resigning from the union and the posts of the union and they don't want an election, they want to work with the management peacefully. They signed this letter, without any pressure. The management got the signatures from the workers by duress, but still most of the office bearers of the union, and a considerable number of workers have refused to sign. The letter was addressed to the Assistant Commissioner of Labour, Negombo.

29th June 2003

When Jaqalanka workers met at the Katunayake union office a suspicious person came by on a Honda CD-90 motorbike (No.46-642) and came inside the union office and enquired about a person, whom nobody knew. When the organisers questioned him, he went. In the meantime workers got information that director Dinesh Senaratne was waiting outside the office, nearby. The motorcycle was traced back to ownership by Jaqalanka International.



Death threats to Jaqalanka union supporters

5 Aug 2003, Please see the following

urgent request from the Free Trade Zone Workers Union (FTZWU) in Sri Lanka for continued action to support workers at Jaqalanka Ltd., the Katunayake Free Trade Zone garment factory producing for VF and Nike. The situation is extremely serious and we urge you to take action today. Demand that VF and Nike immediately intervene to support workers rights at their supply facility.

Please note that the ICFTU and ITGLWF have both filed complaints with the ILO regarding this case. You can view these complaints at <http://www.icftu.org/> and <http://www.itglwf.org/>

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31st July 2003

Dear friends

The situation at Jaqalanka Ltd in the Katunayake Free Trade Zone in Sri Lanka is again at a critical stage.

Our union members are not only being denied the fundamental rights of Freedom of Association and Collective Bargaining, their lives are also at risk.

In addition to the threats, harassment and intimidation union members are facing, they are now receiving death threats, merely because they are members of our union.

The latest examples include:

On 27th July the branch union secretary was assaulted by 5 unknown men at Avariwatta Junction, after he attended a union meeting. He made a complaint about the assault at the Katunayake Police Station.

One of the women union members who voted in the referendum on July 9th was threatened on her way home from work on 30th July, by four unknown men at the Avariwatta Junction, near to the Jaqalanka Ltd factory. They questioned her about Jaqalanka and her involvement in the union. These men told her: “we did something for one on last Sunday, but still he is continuing without shame and if you go again to the union we will kill you and put you to the lagoon.”

Fortunately 7 boys passing by saw this incident and intervened, but the men threatened them with a knife and said: “you can take your sister, but we know the place where she is boarding and if we want we can do anything whenever we want.” This incident was also reported at the Katunayake Police Station, but the police officers in charge behaved in an

unruly manner and questioned her about her association with the union. They also referred to the complaint made last Sunday (27th July 2003) by our branch union secretary, claiming this statement, and hers were fabricated statements.

The union believes that under the current critical circumstances it is impossible to have another referendum as it is clear management will not relent in its intimidation, threats and harassment.

Therefore the union withdraws its earlier demand for a re-run of the referendum. It demands management to recognise the union from the original letter sent by the branch union on 5th April 2003 which contained 166 signatures confirming they are members of the union. This is more than 40% which is the legal requirement for the union to be recognised as the collective bargaining agent.

Further since its formation the branch union has grown and to 17 June had 205 duly filled and signed membership forms.

While the referendum clearly demonstrated the intimidation of management by the low voter turnout of just 17 workers, 99% of votes on the day of the referendum were in favour of the union. A report by international observers confirms the intimidation tactics of management.

The union demands:

1. Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd.
2. Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister, Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum.
3. A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining
4. Provide facilities for trade unions to operate freely inside the factory.

The union urges you to continue your support and letter writing campaigns. Please pressure management and the government to take immediate action for an amicable resolution of this dispute.

Please send copies of all letters and solidarity messages to the union at [ftzunion@diamond.lanka.net](mailto:ftzunion@diamond.lanka.net)

In Solidarity

Anton Marcus  
General Secretary  
Free Trade Zones Workers Union



## **THIS APPEAL IS CLOSED!!**

### ACTION REQUEST AND SAMPLE LETTERS

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Please adapt and send out the following letters today

#### 1. WRITE TO JAQALANKA MANAGEMENT

Mr WHM Fernando  
Managing Director  
Jaqalanka Ltd  
46/1 Fife Road  
Colombo 5  
Fax: 94 1 594 877  
jaqa@jaqalanka.com

Dear Sir,

We would like to draw your attention to the critical situation at your factory in the Katunayake Free Trade Zone, where members of the Free Trade Zones Workers Union (FTZWU) are not only facing threats, harassment and intimidation, but their lives are also at risk, merely because they are members of the union.

Since the referendum held on 9th July 2003, branch union officials and the members who cast their vote have been under threat, including direct threats to their life by unidentified persons.

We have been informed that on Sunday, 27th July the branch union secretary was assaulted by 5 unknown men after he attended a union meeting.

Additionally that one of the women union members who voted in the referendum on July 9th was threatened on her way home from work on 30th July, by four unknown men who said they had assaulted someone else last Sunday, and if she continued to associate with the union, they would kill her and put her in a lagoon.

This incident was reported to the Katunayake Police Station, but the police officers there did not assist favourably and behaved in an unruly manner towards the woman worker.

The union believes that under the current critical circumstances it is impossible to have another referendum as it is clear your management will not relent in its intimidation, threats and harassment. Therefore the union withdraws its earlier demand to re-run the referendum.

On the basis of this the union demands that it be recognised as per its original letter sent to Jaqalanka Ltd management on 5th April 2003 which contained 166 signatures

confirming they are members of the union. This is more than 40% which is the legal requirement for the union to be recognised as the collective bargaining agent.

Further since its formation the branch union has grown and to 17 June had 205 duly filled and signed membership forms.

The union demands:

- Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd.
- Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister, Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum.
- A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining
- Provide facilities for trade unions to operate freely inside the factory.

We urge you to recognise the Free Trade Zones Workers Union as the collective bargaining agent in your factory.

And further, we urge that you take immediate steps to ensure the safety of the lives the union members who are under threat.

Yours sincerely

[name]

[organisation]

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## 2. CONTACT THE SRI LANKAN GOVERNMENT

[date]

Ranil Wickramasinghe Esq  
Honourable Prime Minister  
Democratic Socialist Republic of Sri Lanka  
Temple Trees  
Colombo 3  
Fax: 94 1 385 679

Chandrika Bandaranaike Kumaratunge  
Her Excellency  
President  
Democratic Socialist Republic of Sri Lanka

Presidential Secretariat  
Colombo 1  
Fax: 94 1 333 703

Mahinda Samarasinghe Esq  
Honourable Minister of Employment and Labour  
Ministry of Labour  
Labour Secretariat  
Colombo 5  
Fax: 94 1 588 950

Dear [insert name member of government]

We would like to draw your attention to the critical situation at Jaqalanka Ltd in the Katunayake Free Trade Zone, where members of the Free Trade Zones Workers Union (FTZWU) are not only facing threats, harassment and intimidation, but their lives are also at risk, merely because they are members of the union.

Since the referendum held on 9th July 2003, branch union officials and the members who cast their vote have been under threat, including direct threats to their life by unidentified persons.

We have been informed that on Sunday, 27th July the branch union secretary was assaulted by 5 unknown men after he attended a union meeting.

Additionally that one of the women union members who voted in the referendum on July 9th was threatened on her way home from work on 30th July, by four unknown men who said they had assaulted someone else last Sunday, and if she continued to associate with the union, they would kill her and put her in a lagoon.

This incident was reported to the Katunayake Police Station, but the police officers there did not assist favourably and behaved in an unruly manner towards the woman worker.

The union believes that under the current critical circumstances it is impossible to have another referendum as it is clear your management will not relent in its intimidation, threats and harassment. Therefore the union withdraws its earlier demand to re-run the referendum.

On the basis of this the union demands that it be recognised as per its original letter sent to Jaqalanka Ltd management on 5th April 2003 which contained 166 signatures confirming they are members of the union. This is more than 40% which is the legal requirement for the union to be recognised as the collective bargaining agent.

Further since its formation the branch union has grown and to 17 June had 205 duly filled and signed membership forms.

The union demands:

- Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd.
- Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister, Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum.
- A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining
- Provide facilities for trade unions to operate freely inside the factory.

In view of this critical situation we urge You, the Honourable Prime Minister to intervene immediately and bring about an amicable settlement of the dispute on the basis of the demands of the union.

And further, we urge that you take immediate steps to ensure the safety of the lives the union members who are under threat.

Yours sincerely

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### 3. CONTACT THE COMPANIES SOURCING AT JAQALANKA

[date]

Mackey J. McDonald  
Chairman and CEO  
VF Corporation  
628 Green Valley Rd., Ste. 500  
Greensboro, NC 27408  
Tel: 336-424-6000  
Fax: 1 336 547 7630  
irrequest@vfc.com  
jocelyn\_berner@vfc.com

VF Workwear  
P.O. Box 140995  
Nashville, TN 37214-0995  
United States  
Tel. 615-565-5000  
Fax: 615-565-5263

European campaigners, please also contact VF Europe:

Timothy A. Wheeler  
President  
VF Europe B.V.B.A.  
Fontain Business Park  
C. van Kerckhovenstraat 110  
Gebouw 2/4  
2880 Bornem  
Belgium  
Tel. 32-3-298-2000  
Fax: 32-3-298-2002  
Email: tim\_wheeler@vfc.com

Phil Knight  
Chairman and CEO  
Nike  
Fax: 1 503 671 6300  
phil.knight@nike.com  
vada.manager@nike.com

Dear [insert company/ director name]

We would like to draw your attention to the critical situation at your supplier factory in the Katunayake Free Trade Zone, in Sri Lanka, where members of the Free Trade Zones Workers Union (FTZWU) are not only facing threats, harassment and intimidation, but their lives are also at risk, merely because they are members of the union.

Since the referendum held on 9th July 2003, branch union officials and the members who cast their vote have been under threat, including direct threats to their life by unidentified persons.

We have been informed that on Sunday, 27th July the branch union secretary was assaulted by 5 unknown men after he attended a union meeting.

Additionally that one of the women union members who voted in the referendum on July 9th was threatened on her way home from work on 30th July, by four unknown men who said they had assaulted someone else last Sunday, and if she continued to associate with the union, they would kill her and put her in a lagoon.

This incident was reported to the Katunayake Police Station, but the police officers there did not assist favourably and behaved in an unruly manner towards the woman worker.

The union believes that under the current critical circumstances it is impossible to have another referendum as it is clear your management will not relent in its intimidation, threats and harassment. Therefore the union withdraws its earlier demand to re-run the referendum.

On the basis of this the union demands that it be recognised as per its original letter sent to Jaqalanka Ltd management on 5th April 2003 which contained 166 signatures confirming they are members of the union. This is more than 40% which is the legal requirement for the union to be recognised as the collective bargaining agent.

Further since its formation the branch union has grown and to 17 June had 205 duly filled and signed membership forms.

The union demands:

- Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd.
- Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister, Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum.
- A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining
- Provide facilities for trade unions to operate freely inside the factory.

We urge you to advise your supplier company to ensure an amicable settlement with the Free Trade Zones Workers Union, on the basis of the abovementioned demands.

And further, we urge you to advise your supplier company to take immediate steps to ensure the safety of the lives the union members who are under threat.

Yours sincerely

[name]  
[organisation]

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#### 4. CONTACT THE POLICE

[date]

Inspector General of Police  
Police Headquarters  
Colombo 1  
Fax: 94 1 436 711

Dear Sir

We would like to draw your attention to the critical situation at Jaqalanka Ltd in the

Katunayake Free Trade Zone, where members of the Free Trade Zones Workers Union (FTZWU) are not only facing threats, harassment and intimidation, but their lives are also at risk, merely because they are members of the union.

Since the referendum held on 9th July 2003, branch union officials and the members who cast their vote have been under threat, including direct threats to their life by unidentified persons.

We have been informed that on Sunday, 27th July the branch union secretary was assaulted by 5 unknown men after he attended a union meeting.

Additionally one of the women union members who voted in the referendum on July 9th was threatened on her way home from work on 30th July, by four unknown men who said they had assaulted someone else last Sunday, and if she continued to associate with the union, they would kill her and put her in a lagoon.

This incident was reported to the Katunayake Police Station, but the police officers there did not assist favourably and behaved in an unruly manner towards the woman worker. We find this unacceptable and inappropriate behavior on behalf of the police.

In view of this critical situation we urge you take immediate steps to ensure the safety of the lives of Jaqalanka union members who are under threat as mentioned in this letter.

Yours sincerely

[name]

[organisation]



**THIS APPEAL IS  
CLOSED!!**

**THIS APPEAL IS  
CLOSED!!**

More action needed for  
Jaqalanka workers

29 Aug 2003,

Dear Friends,

The Free Trade Zone Workers Union (FTZWU) thanks all the people who have responded to the appeal for support, and reports they have received over 400 protest letters to date. Unfortunately, according to the FTZWU, management intimidation and harassment continues and Jaqalanka is unwilling to recognise the union on the basis of its signed up membership.

The FTZWU appeals for more support for the Jaqalanka workers in Sri Lanka in their attempt to get their union recognized. Pressure is especially needed upon the main buyer, the VF corporation (the world's largest jeans producer, owner of brands like Lee and Wrangler) who so far has been spectacularly silent on this matter.

According to the FTZWU, the management of Jaqalanka is insistent that a second referendum is required as the customers insist on this. However, the union believes the customers would rather see an amicable settlement; therefore, the union demands immediate recognition based on its membership.

Recent developments:

The Labour Department has released its report on the conduct of the referendum, in which it seems they are trying to cover up the fact that they did not fulfil their obligations. The union believes management will use this report to justify their position, and has responded immediately (please see a copy of the letter posted on our website). Those who want to see a copy of the Labour Department Report can contact the FTZWU.

The FTZWU has filed a complaint about the case at the Fair Labor Association (FLA), since Nike, an FLA member, is one of Jaqalanka's clients. The FLA has started investigating the case and the Executive Director will visit Sri Lanka in the second week of September. Nike reportedly also has been talking to different parties on the ground.

This dispute, especially its ramifications for Sri Lanka's GSP and Free Trade Agreements with the USA and Europe, is receiving significant attention in the Sri Lankan press. (See also <http://www.island.lk/2003/08/04/>).

Action request:

The union urges you to continue your support and letter writing campaigns. Please pressure the buyers, management and the government to take immediate action for an amicable resolution of this dispute.

The union's demands remain the same.

1. Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd. based on the signed up membership.
2. Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister,
3. Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum.
4. A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining
5. Provide facilities for trade unions to operate freely inside the factory.

Sample letters and addresses are included below. Please send copies of all letters and solidarity messages to the union at [ftzunion@diamond.lanka.net](mailto:ftzunion@diamond.lanka.net)

Address list:

Mr WHM Fernando  
Managing Director  
Jaqalanka Ltd  
46/1 Fife Road  
Colombo 5  
Fax: 94 1 2594 877  
[jaqa@jaqalanka.com](mailto:jaqa@jaqalanka.com)

Ranil Wickramasinghe Esq  
Honourable Prime Minister  
Democratic Socialist Republic of Sri Lanka  
Temple Trees  
Colombo 3  
Fax: 94 1 2385 679

Chandrika Bandaranaike Kumaratunge  
Her Excellency  
President  
Democratic Socialist Republic of Sri Lanka  
Presidential Secretariat  
Colombo 1  
Fax: 94 1 2333 703

Mahinda Samarasinghe Esq  
Honourable Minister of Employment and Labour  
Ministry of Labour  
Labour Secretariat  
Colombo 5  
Fax: 94 1 2588 950

Nike  
Phil Knight, President  
cc. Vada Manager  
cc. Dusty Kidd  
One Bowerman Drive  
Beaverton OR 974005-6453  
USA  
Fax: 1 503 671 6300  
Email: phil.knight@nike.com, vada.manager@nike.com, dusty.kidd@nike.com

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VF Corporation  
Mackey H. McDonald, President, Chairman and CEO  
628 Green Valley Rd., Ste. 500  
Greensboro, NC 27408 USA  
Fax: 1 336 547 7630  
irrequest@vfc.com  
jocelyn\_berner@vfc.com

VF Workwear  
Bill Wedekind, President  
PO Box 140994  
Nashville TN 37214-0995  
USA  
Fax: +1-615-565-5263

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Sample letter:

[insert date]

To:

Dear [insert name]

Concerns: Jaqalanka Ltd, Free Trade Zone Katunayake

denial of fundamental rights of Freedom of Association and Collective Bargaining

We would like to draw your attention to the critical situation at your factory in the Katunayake Free Trade Zone, where members of the Free Trade Zones Workers Union (FTZWU) are not only facing threats, harassment and intimidation, but their lives are also at risk, merely because they are members of the union.

Since the referendum held on 9th July 2003, branch union officials and the members who cast their vote have been under threat, including direct threats to their life by unidentified persons.

This intimidation and harassment is continuing even today, and the dispute remains at a deadlock, despite the union's attempts to negotiate with your management.

We understand that your company is unwilling to recognise the union on the basis of its signed up membership and are insistent that a second referendum is required as your customers insist on this.

However we support the union in their view that the customers would rather see an amicable settlement in which workers can work freely without harassment or intimidation, while enjoying basic rights.

The union believes that under the current critical circumstances it is impossible to have another referendum as it is clear your management will not relent in its intimidation, threats and harassment.

The union demands remain the same: Recognition of the Free Trade Zones Workers Union as the collective bargaining agent of Jaqalanka Ltd based on its signed up membership. Jaqalanka Ltd, the Government of Sri Lanka, the President, Prime Minister, Inspector General of Police to take every step to safeguard the lives of the branch union members who voted in favour of the union at the 9th July referendum. A clear statement from Jaqalanka Ltd that they will respect the right to Freedom of Association and Collective Bargaining Provide facilities for trade unions to operate freely inside the factory.

We urge you to recognise the Free Trade Zones Workers Union as the collective bargaining agent in your factory.

And further, we urge that you take immediate steps to ensure the safety of the lives the union members who are under threat.

Yours sincerely

[name]

[organisation]

Oct 2003 update, [Union recognition at Jaqalanka!!](#)

We are happy to report very good news: the Jaqalanka workers won their fight to get the union recognized! Find below a message from the Free Trade Zone Workers Union, and the press release send out by the CPA and the FLA.

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For Immediate Release: September 29, 2003 Contact: Anne Lally +1 (202) 262 0665

Fair Labor Association to Mediate Round Table Discussions Focusing on Jaqalanka

Parties to Seek Solution to Union Recognition Dispute at Sri Lankan Facility

The Fair Labor Association has responded to requests from both the Free Trade Zone Workers Union (FTZWU) and NIKE, Inc. to seek a solution to the dispute over union recognition at the Jaqalanka facility in Sri Lanka. The FTZWU has been organizing at the plant and seeks union recognition from management. In order to be recognized in accordance with the law, unions must represent more than 40% of the workplace.

A referendum was held at the plant in July but the results were contested by the FTZWU and the international observers from US and European labor groups that were present during the referendum. The controversy has now led to complaints being filed with the European Union, the United States Government, and the International Labor Organization.

The FLA has contacted the parties to the dispute with a proposal for an amicable, non-confrontational resolution to the issue involving an independent audit of the union's membership records and the promotion of sound labor relations at the facility.

Feedback on the FLA proposal has been positive and the FLA has asked a respected local NGO, the Centre for Policy Alternatives (CPA), to convene a Roundtable Discussion in early October at which the parties can seek agreement on the way forward. Aurret van Heerden, Executive Director of the FLA, will mediate the Roundtable Discussion.

## Jaqalanka update

9 October 2003 - Both the Free Trade Zone Workers Union (FTZWU) and Nike have requested that the Fair Labor Association assist in formulating a solution to the dispute over union recognition at the Jaqalanka factory in Sri Lanka. As mentioned in several CCC Urgent Appeals, in late July a referendum was held at Jaqalanka to decide on recognition of the union and the union failed to get the required number of votes, however the proceedings (only 4% of the workers voted following an intense anti-union campaign mounted by management) were highly criticized by the FTZWU and a team of international observers. The CCC has been supporting the union's call for immediate recognition of the union based on its membership numbers. The FLA has proposed an independent audit of the union's membership records and will convene a roundtable discussion in Sri Lanka in early October among the various parties to seek an agreement on a way forward. Meanwhile, VF Corporation (Jaqalanka's main customer) has not responded to any of the CCC's requests that they take action in support of freedom of association at their supplier. [Please send VF a letter today to request that they support the FTZWU at Jaqalanka.](#)



## **THIS APPEAL IS CLOSED!!**

Union recognition at Jaqalanka!!

22 Oct 2003

Dear all,

We are happy to report very good news: the Jaqalanka workers won their fight to get the union recognized! Find below a message from the Free Trade Zone Workers Union, and the press release send out by the CPA and the FLA. We will post the full text of the agreement on our website. Thanks to all of you who participated in the campaign and please continue responding to these calls for action!

- [Message from the Free Trade Zone Workers Union](#)
- [Press release send out by the CPA and the FLA on the Jaqalanka victory](#)
- [Memorandum of settlement between the FTZWU and Jaqalanka Ltd](#)

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### MESSAGE FROM FTZWU

Dear Comrades and Friends,

We are happy to inform you that the Free Trade Zones Workers Union (FTZWU) and Jaqalanka Ltd have reached an agreement to the long running dispute at the Jaqalanka factory in Sri Lanka, with the intervention of the Fair Labor Association (FLA), Centre for Policy Alternatives (CPA) and with the assistance of ALL of YOU. The copy of the typed agreement, the Memorandum of Settlement and the Press Release from Center for Policy Alternatives are attached below for your information.

Essentially this agreement means that most of the union's demands have been met and Jaqalanka has agreed to recognize the FTZWU as the representative of the workers and will refrain from any victimization or harassment of union members.

The FTZWU has agreed to cease its International Campaign and suspend complaints lodged with the ILO. This situation will be reassessed after 6 months and the progress made in implementing the agreement will be reviewed.

This is a significant and substantial victory for the brave union members of Jaqalanka, the FTZWU generally and the workers of Sri Lanka. We thank EVERYONE for their interest in and support of this campaign. Your solidarity support and actions helped make this happen.

The agreement requires that all campaigning ceases. Therefore, we request you to stop further action.

With lots of Solidarity and Strength from us all,

Anton Marcus

General Secretary, FTZWU  
Jaqalanka Branch Union  
TIE-Asia

PRESS RELEASE

Please give the attached document due publicity.

Dr P. Sarvanamuttu  
Executive Director

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The Free Trade Zone Workers Union (FTZWU) and the management of Jaqalanka Ltd today (Thursday, 16th October 2003) reached an agreement, in good faith, to resolve their dispute over union recognition at the company's factory in the Katunayake FTZ, Sri Lanka. According to the agreement, Jaqalanka management accepts the FTZWU as representing the concerns of its members at Jaqalanka Ltd. In return, the FTZWU agrees to call off the international solidarity campaign that has been waged against Jaqalanka Ltd.

Both parties committed to a process of healing and reconciliation and agreed to work towards creating an environment conducive to good labour practices. To demonstrate the understanding reached between the parties and the company's recognition of the right of workers to freedom of association, copies of this agreement, in all three languages, will be displayed on the company notice board. Together with training and capacity building for both parties, the agreement also provides for the mutually acceptable reformulation of Jaqalanka's internal grievance procedures. It was agreed that both parties would accept confidentiality as the guiding principle, and refrain from any form of public declarations on cases under review. In the first instance, the parties agreed to a dispute resolution and conciliation mechanism in terms of the Industrial Disputes Act No 56 of 1999.

The meeting was convened by the Centre for Policy Alternatives (CPA), an independent public policy organization working on issues of governance and peace through projects of research and advocacy, on behalf of the Fair Labor Association. The Fair Labor Association (FLA) is a collaborative effort to improve working conditions in factories around the world, working cooperatively with forward-looking companies, NGOs and universities. The FLA promotes a workplace code of conduct based on International Labour Organization standards.

Two FLA participants, Nike and Vanity Fair, who source from Jaqalanka Ltd in Sri Lanka requested the FLA to help resolve the dispute. The FTZWU also laid a complaint in terms of the FLA Third Party Complaints Mechanism. The FLA independently

monitors the implementation of the code of conduct throughout the supply chains of participating companies. The FLA reports publically on the results of their monitoring and on the implementation of company compliance programmes.

It was agreed, that this forum would reconvene in six months to consider progress achieved under this agreement.

Auret Van Heerden  
Executive Director.

Memorandum of Settlement Between The Free Trade Zone Workers Union  
141, Ananda Rajakaruna Mawatha  
Colombo 10  
And Jaqalanka Ltd, Katunayake

It is hereby agreed between the Free Trade Zones Workers Union (FTZWU) and Jaqalanka Ltd, Katinayake that the dispute over union recognition be settled on the following terms:

The FTZWU, for its part-

1. Seeks acceptance by Jaqalanka Ltd as the representative of FTZWU members concerns.
2. Agrees to respect the right of workers to form and joint, or not, organizations of their own choosing.
3. Agrees not to harass, victimize, discriminate against or otherwise subject non-union workers to any unfair practices.
4. Reserves the right to resume the international campaign if the good faith understandings reached herein are not respected by the company, subject to the union exhausting all procedures for the resolution of disputes set out in this agreement.
5. The FTZWU agrees to request that the complainants suspend their complaint (dated 21 July 2003 filed by the ICFTU and 22 September 2003 filed by the ITGLWF) to the ILO Committee on Freedom of Association pending the successful outcome of the review after six months as provided for in this agreement, which period will begin on the signing of this agreement. If the parties agree that the real progress has been made towards ensuring freedom of association at Jaqalanka Ltd the FTZWU will request that the complainants amend their complaint to remove all prejudicial reference to Jaqalanka Ltd.

The Jaqalanka Ltd, for its part -

1. Accepts the FTZWU as the representative of FTZWU members concerns.
2. Agrees to respect the right of workers to form and joint, or not, organizations of their own choosing.
3. Agrees that no workers or union members will be harassed, victimized, discriminated against or otherwise subjected to any unfair labour practices.

Both the FTZWU and Jaqalanka Ltd agree-

1. An internal grievance procedure for Jaqalanka Ltd be formulated by the parties at a meeting to be convened by the CPA within 14 days.

2. That the future relationship of the practice to collective bargaining will be governed by the Industrial Disputes Act as amended by Act No 56 of 1999 or any decision mutually be agreed upon by the parties.

3. The parties will meet as and when the company or the union request a meeting to discuss grievances of union members. For this purpose the parties may call upon the CPA to facilitate the meeting.

4. Upon conclusion of this agreement the parties will make a written request to the Commissioner General of Labour to appoint an authorized officer in terms of section 3(1) C of the IDA to conciliate in the event of any deadlock in the internal grievance procedure.

5. No party issue any public declaration on the merits of a case while under review by the grievance procedure or the authorized officer.

6. The parties request training and capacity building on issues of freedom of association and sound industrial relations to be facilitated by FLA/CPA.

7. Both parties commit to a process of healing and reconciliation and to uphold the rule of law, including practical arrangement for the union activities, to be negotiated within seven days of the signing of this agreement. This will include the cessation of negative campaigning and publicity.

8. The company will exhibit a copy of this agreement in all three languages on the company notice board for the information of the workforce in order to publicize the understanding reached between the parties including the company's recognition of the right of workers to freedom of association.

9. The parties issue s statement to the workforce in order to clarify the principles of freedom of association and the understanding reached at the present meeting. The FTZWU, FLA and CPA will be present at the meeting, Jaqalanka Ltd and FTZWU request the Labour Commissioner to be present.

10. This forum meet in six months to consider progress made in implementing this agreement. The parties will, in the first instance, jointly request the Commissioner General of Labour to convene the meeting.

Signed at Colombo, 16 October 2003-

Signed. Signed.

Harin Fernando & Daniel Ortiz Anton Marcus (General Secretary)

On behalf of Jaqalanka On behalf of the FTZWU

Witnessed by-

Signed. Signed.

**Palitha Atukorale Auret Heerden**  
Chief organiser -JSS FLA

## Jaqalanka Limited and Free Trade Zones And General Services Employees Union (FTZAGSU)

### Dispute Settlement Process

#### Press Release - Review Meeting 24th June 2004

The dispute that arose over recognition of the Free Trade Zone Workers Union (FTZWU) (1) by Jaqalanka Limited was successfully settled after a roundtable discussion held on the 14th and 16th of October 2003. This meeting was convened by the Centre for Policy Alternatives (CPA) on behalf of the Fair Labor Association (FLA). The Agreement reached was introduced to the management and employees on the 22nd of October, at a meeting held at the Jaqalanka Limited factory.

According to the agreement, Jaqalanka Ltd management accepted the FTZWU as representing the concerns of its members at Jaqalanka Ltd. In return, the FTZWU agreed to call off the international solidarity campaign that was waged against Jaqalanka Ltd.

At the request of both parties the Commissioner General of Labour appointed Dr. P. Saravanamuttu, Executive Director of CPA as an Authorized Officer in terms of section 3(I) (c) of the Industrial Disputes Act No 56 of 1999.

During the past eight months the parties met regularly with the facilitation of CPA, to resolve issues and discuss ways forward. At the meetings the following have been achieved -

- Internal Grievance Procedure (IGP) - As per the agreement, the Jaqalanka Limited IGP was revised. One of the significant changes made was to accommodate representation of trade union members by the branch union.
- Modalities of Access and Organizing Rules - A set of practical arrangements for Branch Union activities was agreed upon, on the understanding that they would not interfere with the Company's production and productivity. Some of them are procedures for meetings, providing a notice board for the Branch Union etc. They have been implemented since December 2003.
- Training and Capacity Building - Selected employees from both management and operational levels participated in awareness raising programs on freedom of association. All categories of employees will continue to undergo training on freedom of association and industrial relations in future.

Throughout the process both parties appreciated the good faith and commitment demonstrated by the other. Hence the few minor issues that arose during the past eight months were speedily resolved to the satisfaction of the parties. Both parties believe that the trust gained and the confidence built will help strengthen the process going forward.

At today's meeting to review the progress made, the parties agreed that the process had worked successfully and pledged to continue to work together in partnership.

**Harin Fernando**  
Joint Managing Director  
Jaqalanka Limited

**Daniel Ortiz**  
Joint Managing Director  
Jaqalanka Limited

**Anton Marcus**  
Joint Secretary  
FTZAGSU

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1: Name changed to Free Trade Zones And General Services Employees Union (FTZAGSU) since February 2004