



Global Care Policy Index

Technical Report for Sri Lanka

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

Scoring Notes for Sri Lanka

Sri Lankan care policies often varied between the private and public sectors, and this was a particularly common occurrence when scoring Sub-Index A. When the country's performance in a category varied in this way, a weighted average was calculated by using the percentage of the working population employed in each sector as the weight.

How to Cite this Technical Report

The recommended citation for this report is as follows:

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https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/SriLanka.

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
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Sri Lanka

SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS

A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, eligible working women are guaranteed maternity leave.</p> <p>Part 1A of the Shop and Office Employees Act grants Maternity leave to all female employees employed in or about the business of a shop or office (in the private sector).</p> <p>The Maternity Benefits Ordinance further regulates this leave, guaranteeing it to all other women workers in the private sector except for those in casual employment.</p> <p>Section 18:1 of the Establishment code states that "Female Public Officers whether permanent, temporary, casual or trainee are entitled to maternity leave".</p> <p>Female workers are not required to "qualify" for maternity leave benefits based on how long they have worked for the employer.</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A1.2	Are all categories of working women guaranteed maternity leave?	0.25	<p>Not all categories of working women are guaranteed maternity leave. - Two categories of women are excluded from guaranteed maternity leave: women wage earners working from home (similar to workers in disguised employment/ dependent self-employment), and casual workers and domestic workers in private households (similar to temporary/informal employees).</p> <p>The Maternity Benefits Ordinance No. 32 of 1939 provides benefits to "[any]woman (other than a woman employed in or about the business of a shop or an office, or a woman whose employment is of a casual nature) employed on wages in any trade", which is in conformity with the ILO Convention No.103. Therefore, the Maternity Benefits Ordinance covers women employed in agriculture (including plantations) and factories, provided the employment is not casual.</p> <p>The Shop and Office Employees' Act No. 19 of 1954 provides for maternity benefits to women employed in shops and offices, regardless of whether the employment is on a permanent or temporary basis. .</p> <p>The Establishment Code provides maternity benefits to women employed in the public sector.</p> <p>Exclusions:</p> <ol style="list-style-type: none"> 1) women whose employment is of casual nature (on-call work), 2) women who are home workers (disguised employment or self-employment) and 3) domestic workers in private households <p>Score : 1 -0.25 -0.25 -0.25 = 0.25</p>	<p>Shop and Office Act, Part 1A</p> <p>Pg 39. Study on Maternity Protection Insurance in Sri Lanka</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A1.3	How long a maternity leave are eligible working women guaranteed?	0.51	<p>Women are guaranteed less than 18 weeks of maternity leave in the private sector. However, public sector employees can take upto 36 weeks of leave in total, though to varying levels of pay.</p> <p>Evidence in Acts</p> <p>The Maternity Benefits Ordinance and Shop and Office Employees Act guarantee 12 weeks of maternity leave if live birth (84 days) for private sector employees, and 6 weeks if the birth is not live. Therefore, policies for the private sector should be scored as 0.25 (maternity leave <= 12 weeks).</p> <p>The Establishment code guarantees 84 days of maternity leave with full pay, 84 days maternity leave on half pay and 84 days maternity leave on no pay in respect of every childbirth to a public servant. Therefore, policies for the public sector should be scored as 1 (maternity leave >= 18 weeks).</p> <p>The percentage of eligible working women (employees) employed in the state sector is 34.1%. The percentage of eligible working women (employees) employed in the private sector is 65.9%.</p> <p>Score = (1 * 34.1%) + (0.25 * 65.9%) = 0.51</p> <p>The labor force data is sourced from the 2019 Labor Force Survey Annual Report.</p>	<p>Shop and Office Act, Part 1A</p> <p>Amendment to the Maternity Benefits Ordinance, 2018</p> <p>Pg 39. Study on Maternity Protection Insurance in Sri Lanka</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>



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A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	<p>No, eligible working women are not guaranteed extended prenatal maternity leave if the actual date of childbirth is before/after the initial predicted date. There is no mention of whether prenatal leave can be extended in the Shop and Office Employees Act, or the Maternity Benefits Ordinance.</p> <p>The Shop and Office Employees Act and Maternity Benefits Ordinance dictate that a maximum 14 days of prenatal leave can be taken, and 70 days of postnatal leave (for the baseline of having 84 days paid leave). The Establishment Code however, does not specify what duration of prenatal leave is available. Instead, this law simply grants 84 days of full pay leave, 84 days of half pay leave, and 84 days of unpaid leave to all female workers that have given birth.</p>	<p>Pg 11, Study on Maternity Protection Insurance in Sri Lanka</p> <p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>No - Eligible working women are not guaranteed extended maternity leave in the case of simultaneous multiple births.</p> <p>Extended leave for multiple births is not mentioned in the Shop and Office Employees Act, Maternity Benefits Ordinance, or the Establishment Code.</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	0.34	<p>Yes, some eligible working women are entitled to freely choose when to take their non-compulsory leave, with exceptions.</p> <p>The Maternity Benefits Ordinance and Shop and Office Employees Act (both for employees in the private sector) offer working women maternity leave of "two weeks immediately preceding the confinement and of the period of ten weeks immediately following her confinement". Therefore, eligible working women in the private sector cannot freely choose when to take the non-compulsory portion of their maternity leave.</p> <p>The Establishment Code for public servants guarantees 4 weeks of compulsory maternity leave immediately following childbirth. However, there are no further restrictions on when public servants may take their full 84 day full-pay maternity leave. Therefore, policies for public servants should be scored 1 for this section.</p> <p>The percentage of eligible working women employed in the state sector is 34.1%. The percentage of eligible working women employed in the private sector is 65.9%.</p> <p>Score = (1 * 34.1%) + (0 * 65.9%) = 0.34</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>



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A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	0.75	<p>Yes, eligible working women are guaranteed compulsory maternity leave, with the exclusion of women working in shops and offices.</p> <p>State Sector The Establishment Code guarantees 4 weeks of compulsory maternity leave after childbirth for female state employees.</p> <p>Private Sector Section 2 of The Maternity Benefits Ordinance states that "No employer shall knowingly employ a woman worker at any time during the period of four weeks immediately following her confinement."</p> <p>Section 18(B)(2) of the Shop and Office Employees Act was amended by the Shop and Office Employees (Amendment) Act No. 14 of 2018 to read : "A female employee to whom this Part applies, shall, if she is confined, be entitled to take leave for a period of (a)seventy days commencing on the date of her confinement, if the confinement results in the delivery of a live child; and (b) twenty eight days commencing on the date of her confinement, if the confinement does not result in the delivery of a live child"</p> <p>Therefore, eligible working women in the state sector are guaranteed compulsory maternity leave after childbirth, and women in the private sector who do not work in shops or offices are also guaranteed compulsory maternity leave. However, women employed in shops or offices and thus affected by the Shop and Office Employees Act are not entitled to compulsory maternity leave.</p> <p>Score = 1 -0.25 (women employed in shops and offices) = 0.75</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p> <p>Shop and Office Employee (Regulation of Employment and Remuneration) (Amendment) Act, No. 14 of 2018</p>
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.10	<p>No, most eligible women are not guaranteed additional leave in case of illness or complications, with the exception of state Higher Educational Institution employees.</p> <p>Employees affected by the policies of the University Grants Commission (UGC) can take upto 6 months of no-pay leave in the case of documented medical illness or special complications related to childbirth or pregnancy.</p> <p>There is no additional leave provision for private sector employees in the case of documented medical illness or pregnancy complications. Other employees in the state sector are entitled to an additional 84 days half pay leave and then further 84 days unpaid leave if they wish to take it, though this leave is granted only if it is necessary to look after the child.</p> <p>Score = 0.1 (A subset of state sector employees are granted additional leave in the event of complications. However, a majority of workers are not explicitly granted this protection.)</p>	<p>University Grants Commissions Circular No. 10/2013</p> <p>Public Administration Circular 04/2005</p>
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	<p>No, adoptive mothers have no protections for parental leave.</p> <p>The language used in the Maternity Benefits Ordinance, Shop and Office Employees Act, and the Establishment Code imply that maternity leave is exclusively for women who have given birth, because they use terms such as "confinement", "labor", and "birth".</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.67	<p>The Establishment Code states that female state employees "will not be allowed to resume duties before the expiry of 4 weeks after the date of birth of the child."</p> <p>The Maternity Benefits Ordinance states that "No employer shall knowingly employ a woman worker at any time during the period of four weeks immediately following her confinement."</p> <p>The Shop and Office Employees Act does not offer compulsory maternity leave.</p> <p>Therefore, all working women eligible for compulsory maternity leave are guaranteed 4 weeks (28 days) of compulsory maternity leave.</p> <p>Score = (Length of maternity leave granted in weeks/ Length of maternity leave recommended by ILO in weeks) 4/6 = 0.67</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p> <p>Shop and Office Employee (Regulation of Employment and Remuneration) (Amendment) Act, No. 14 of 2018</p>



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A2. Protections during Pregnancy and Maternity Leave				
A2.1 Financial Protections				
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	<p>The Maternity Benefits Ordinance II Section 1.1 which covers private employees, guarantees "six-sevenths of the wages, which she would have been entitled to for that day if she had actually worked on that day for the entire period constituting the normal working day."</p> <p>The Shop and Office Employees Act 18C which covers formal private sector employees working in shops or offices, states that a female employee on maternity leave "shall be paid full remuneration for the entire period of the leave".</p> <p>The Establishment Code, which covers state employees, states that "A female officer is entitled to 84 working days full pay leave in respect of every live childbirth".</p>	<p>Maternity Benefits Ordinance II, section 1.1</p> <p>Shop and Office Employees Act, 18C</p> <p>Establishment code, 18:2:1</p>
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.00	<p>No, a woman is not entitled to cash benefits during maternity leave if she does not qualify for wage replacement.</p> <p>However, there are cash benefits for poor people that are not exclusively for maternity leave. One of these is the Samurधि programme, through which individuals can get foodstamps and also access savings and credit facilities.</p>	<p>Social Security Programmes Through The World</p> <p>Samurधि Programme</p>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.00	<p>No - In Sri Lanka, the employer is fully liable for paying maternity benefits.</p> <p>Section 19(1)(A) of the Shop and Office Employees Act, for example, states that "He [the Employer] shall, subject as hereinafter provided, pay such remuneration in legal tender directly to such person without any deduction other than an authorised deduction, as hereinafter defined, made with the consent of such person".</p> <p>Section 5 of the Maternity Benefits Ordinance states that "the employer of a woman worker shall pay to such worker maternity benefit at the prescribed rate".</p>	<p>Analysis of Sri Lankan Social Protection Schemes in the context of social protection floor objectives, Pg 11</p> <p>Maternity Benefits Ordinance II, section 1.1</p> <p>Shop and Office Employees Act, 19 (1)(a)</p> <p>The Maternity Benefits Ordinance</p>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, are payable equally by men and women.</p> <p>Taxes from both men and women equally fund the government's social protection initiatives - for example, Free healthcare that aids pregnant women.</p> <p>However, the financing of the majority of maternity benefits is from the employer.</p>	<p>Inland Revenue Department</p>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	99.00	<p>This question is inapplicable to Sri Lanka as there are no unemployment benefits available in Sri Lanka.</p> <p>Presently, there are no formal benefit programmes that pay any compensation to unemployed persons either on a short or long-term basis.</p>	<p>Analysis of the Sri Lankan Social Protection Schemes (ILO, 2016). pg 12</p>
A2.2 Employment Protections				



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A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.34	<p>Yes, some working women are guaranteed the right to return to the same job or an equivalent position paid at the same rate at the end of their maternity leave. However, there are exceptions.</p> <p>Neither the Maternity Benefits Ordinance or the Shop and Office Employees Act explicitly offer this protection.</p> <p>However, the Establishment code states that "Leave granted in terms of sub sections 18:3: 1, 18:4:1 above [regarding the duration of maternity leave granted under remuneration] should not have any adverse effect on salary increments and pensions. Also such periods of leave should not adversely affect the filling of vacancies and granting of promotions occurring during such period of no pay leave."</p> <p>This clause is interpreted as guaranteeing working women (within the formal public sector) pay at the same rate, at the end of their maternity leave.</p> <p>The percentage of eligible working women (employees) employed in the state sector is 34.1%. The percentage of eligible working women (employees) employed in the private sector is 65.9%.</p> <p>Score = (1 * 34.1%) + (0 * 65.9%) = 0.34</p> <p>The labor force data is sourced from the 2019 Labor Force Survey Annual Report.</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII, 18:9</p>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.66	<p>Yes, working women are protected from dismissal from work while on maternity leave but with exceptions. Working women in the private sector are protected from dismissal during maternity leave, but working women in the state sector are not.</p> <p>Private Sector The Maternity Benefits Ordinance and the Shop and Office Employees' Act protect employees in the private sector from dismissal due to maternity reasons. The Maternity Benefits Ordinance 10 and 10A protect against termination of employment during maternity leave, or because of maternity leave.</p> <p>Section 10 states that "When a woman worker absents herself from work in accordance with the provisions of this Ordinance, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence".</p> <p>Section 11 states that "No notice of dismissal given without sufficient cause by an employer to a woman worker within a period of five months before her confinement shall have the effect of depriving her of any maternity benefit or alternative maternity benefits."</p> <p>Section 18E of the Shop and Office Employees Act states that "The employment of any female employee to whom this Part applies shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement."</p> <p>State Sector However, female employees in the public sector are not protected from dismissal from work while they are on maternity leave.</p> <p>Scoring: 1) The percentage of eligible working women (employees) employed in the state sector is 34.1%. Policies for state sector employees score 0 in this section. 2) The percentage of eligible working women (employees) employed in the private sector is 65.9%. Policies for private sector employees score 1 in this section.</p> <p>Score = (0 * 34.1%) + (1 * 65.9%) = 0.66</p> <p>Labor force data is extracted from the 2019 Labor Force Survey annual report.</p>	<p>Maternity Benefits Ordinance clauses 10 and 11</p> <p>Establishment Code, Chapter XII</p> <p>Maternity Benefits in Sri Lanka, pg 13</p>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	<p>No, working women are not protected from dismissal during a period following their return to work.</p> <p>Under the Maternity Benefits Ordinance, a woman is protected from dismissal for 3 months commencing on the date of her confinement. Further, Section 18E of the Shop and Office Employees Act states that "The employment of any female employee to whom this Part applies shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement." However, this policy does not outline a specific period during which women are protected from dismissal, following their return to work from maternity leave. Therefore, policies for private sector employees would score 0.</p> <p>Female employees in the public sector also do not have such protection. Therefore, policies for public sector employees would also score 0.</p>	<p>Maternity Benefits Ordinance clause 10B(2)</p> <p>Shop and Office Employees Act</p> <p>Establishment Code, Chapter XII</p>



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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	0.00	<p>No, employers are not prohibited from requiring pregnancy tests of women applying for employment.</p> <p>There is no explicit law prohibiting employers from requiring pregnancy tests of women applying for employment.</p> <p>Sri Lanka does not have an anti-discrimination act in particular. The Maternity Benefits Ordinance does not prohibit employers from requesting for pregnancy tests, and neither does the Shop and Office Employees Act.</p>	<p>Shop and Office Act, Part 1A</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>Establishment Code Chapter XII</p>
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.10	<p>No, there are no laws to protect workers against job discrimination on the basis of marital status or family responsibilities.</p> <p>Marital status and family responsibilities not explicitly mentioned in the constitutional protections against discrimination. Chapter VI of the Constitution of Sri Lanka states that "The State shall ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the ground of race, religion, language, caste, sex, political opinion or occupation."</p> <p>However, there are laws to protect state employees from being penalized for taking maternity leave.</p> <p>According to Section 18:9 of the Public Administration Circular 04/2005 (amending Chapter XII of the Establishment Code), "Leave granted in terms of sub sections 18:3:1, 18:4:1 above should not have any adverse effect on salary increments and pensions. Also such periods of leave should not adversely affect the filling of vacancies and granting of promotions occurring during such period of no pay leave".</p> <p>Therefore, Sri Lanka scores 0.1 for this section as it has very few policies to protect workers from direct or indirect job discrimination on the basis of marital status or family responsibilities.</p>	<p>Section 18:9 of the Public Administration Circular 04/2005 (amending Chapter XII of the Establishment Code)</p> <p>Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter VI Clause 6</p>
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	0.12	<p>No - most categories of working men are not guaranteed paternity leave, with the exception of men in the state sector.</p> <p>The Public Administrative Circular 03/2006 states that an <i>everlasting, temporary, informal or trainee Public Officer</i> is entitled to a period of 03 running days leave within the occasion of the delivery of a child to his spouse. The leave available must be made use of within a length of 03 months from the date of birth of the child.</p> <p>12.2% of the male labor force is employed in the state sector.</p> <p>Score = (1 * 12.2%) = 0.12</p> <p>Data extracted from 2019 Annual Report of the Labor Force Survey.</p>	<p>The Necessity of Paternity Leave, Anjane Samaranyaka, pg 5</p> <p>Paternity Leave in the State Sector</p> <p>Public Administration Circular 03/2006</p>
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.21	<p>No - most categories of working men are not guaranteed paternity leave, with the exception of men in the state sector.</p> <p>The Public Administration Circular 03/2006 states that an everlasting, temporary, informal or trainee Public Officer is entitled to a period of 03 running days leave within the occasion of the delivery of a child to his spouse.</p> <p>12.2% of the male labor force is employed in the state sector.</p> <p>Score = (1 * 12.2%) = 0.12</p> <p>Data extracted from 2019 Annual Report of the labor Force Survey</p>	<p>The Necessity of Paternity Leave, Anjane Samaranyaka, pg 5</p> <p>Paternity Leave in the State Sector</p> <p>Public Administration Circular 03/2006</p>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.21	<p>Eligible working men are guaranteed 3 days of paternity leave.</p> <p>Score = 3/14</p>	<p>Public Administration Circular No 03/2006: Paternal Leave, Establishment Code, Chapter XII</p>
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	<p>Eligible working men are guaranteed full pay for the 3 days of leave they receive.</p>	<p>Public Administration Circular No 03/2006: Paternal Leave, Establishment Code, Chapter XII</p>



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A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	In the case of the death of the mother before the expiry of the postnatal leave, the employed father of the child is not entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave. This is no mention of such a policy in the Maternity Benefits Ordinance, Shop and Office Employees Act, or the Establishment Code.	Shop and Office Act, Part 1A Maternity Benefits Ordinance Sri Lanka Establishment Code Chapter XII
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	In the case of sickness or hospitalization of the mother after childbirth where the mother cannot take care of the child, the employed father of the child is not entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave. This is no mention of such a policy in the Maternity Benefits Ordinance, Shop and Office Employees Act, or the Establishment Code.	Shop and Office Act, Part 1A Maternity Benefits Ordinance Sri Lanka Establishment Code Chapter XII
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No - adoptive fathers do not have access to a similar system of protections regarding parenting leave, benefits, and employment protection. The Public Administration Circular 03/2006 states that "A permanent, temporary, casual or trainee Public Officer is entitled to a period of 03 working days leave in the occasion of the birth of a child to his wife." This excludes adoptive parents, as the child would not be "born" to the male officer or his wife. Therefore, only biological parents are entitled to paternity leave, not adoptive parents.	Shop and Office Act, Part 1A Maternity Benefits Ordinance Sri Lanka Establishment Code Chapter XII
A4. Dependent Care Leave Policies				
A4.1	Are eligible workers entitled to leave to take care of their children?	1.00	Yes - eligible workers are entitled to "casual leave" which they can use for multiple purposes, including to care for their children. However, there are no explicit laws providing for childcare leave in Sri Lanka. Clause 6 (3) of the Shop and Office Employees Act, which governs employees in shops and offices states that : "In respect of each year of employment during which any person has been continuously in employment in or about the business of any shop or office, that person shall... be entitled to take on account of private business, ill health or other reasonable cause , leave with full remuneration for a period or an aggregate of periods not exceeding seven days , and the employer shall allow such leave and be liable to pay such remuneration." As this leave is distinct from holiday leave, casual leave can be credited as leave that allows eligible workers to take care of their children when necessary.	Shop and Office Act, clause 6 (3)
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	Yes - eligible workers are entitled to "casual leave" which they can use for multiple purposes, including to care for their immediate family members . However, there are no explicit laws providing for caretaking leave in Sri Lanka. Clause 6 (3) of the Shop and Office Employees Act, which governs employees in all shops and offices states that : "In respect of each year of employment during which any person has been continuously in employment in or about the business of any shop or office, that person shall... be entitled to take on account of private business, ill health or other reasonable cause , leave with full remuneration for a period or an aggregate of periods not exceeding seven days , and the employer shall allow such leave and be liable to pay such remuneration." As this leave is distinct from holiday leave, casual leave can be credited as leave that allows eligible workers to take care of their children when necessary.	Shop and Office Act, clause 6 (3)



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A4.3	Are all categories of workers guaranteed dependent care leaves?	0.20	<p>Yes, Some categories of workers are guaranteed dependent care leave in Sri Lanka. However, many categories of worker are excluded from dependent care leave allowances.</p> <p>Clause 6 (3) of the Shop and Office Employees Act, which governs employees in all shops and offices states that :</p> <p>"In respect of each year of employment during which any person has been continuously in employment in or about the business of any shop or office, that person shall... be entitled to take on account of private business, ill health or other reasonable cause, leave with full remuneration for aperiod or an aggregate of periods not exceeding seven days, and the employer shall allow such leave and be liable to pay such remuneration."</p> <p>Section 22 of the Establishment Code also states that: "No - pay leave to be spent in or out of the island shall be approved for a maximum period of one year on the recommendation of a consultant at a government hospital, for treatments due to an illness of an unmarried child or spouse of a public officer."</p> <p>Workers guaranteed dependent care leave: Workers in full time and formal employment in the private and public sector [1] receive leave that can be used as dependent care leave.</p> <p>Workers excluded from dependent care leave: Casual workers are excluded from the Shop and Office Employees Act. [2] On-call workers [3] or workers in temporary agency work [4] would also not be covered by such legislature, as leave is accrued in respect of "each year" of employment, thus assuming a long term relationship. Workers in disguised or dependent self employment [5] would thus also be excluded.</p> <p>Score : 1/5 forms of employment fulfilled = 0.2</p>	<p>https://www.ilo.org/dyn/travail/docs/1350/shop</p> <p>https://www.desaram.com/BlogArticles/HolidayEntitlementsUndertheSriLankanLaborLaw.php</p> <p>https://www.pubad.gov.lk/web/images/circulars/2013/E/11_2013_(e).pdf</p>
A5. Flexible Work Arrangements				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.10	<p>Yes, some employees with care responsibilities have the right to request reduced working hours. However, there are significant exclusions.</p> <p>Section 12B of the Maternity Benefits Ordinance states that nursing mothers (in the formal private sector) are entitled to two, one hour nursing intervals per day until the child is one year old - although the time period maybe reduced to half an hour per interval if the employer provides crèche facilities as the mother would have easy access to the child.</p> <p>The Establishment Code entitles a mother in the state sector to leave one hour early once she returns to work after maternity leave till the child is six months old in order to breast feed the child (Section 18:7). State university staff are entitled to a nursing period till the child is one year old but other state employees only get this benefit until the child is six months old.</p> <p>Exclusionary conditions</p> <p>However, these allowances are only for mothers with nursing infants. Legal allowance for such reduced work hours does not exist for people with older children or other care responsibilities, such as those with elderly patients. Furthermore, such flexible hours only apply to women and not men as they are titled "nursing intervals". Finally, mothers who are not breastfeeding but require time to do other kinds of carework are also not eligible. Since a majority of workers with diverse care responsibilities do not have legal rights to request reduced working hours, Sri Lanka only scores 0.1 in this section.</p>	<p>Maternity Legislation in Sri Lanka : Are women equal, special or different? pg 66</p> <p>Maternity Benefits Ordinance, Section 12B</p> <p>The Establishment Code, Chapter XII</p>
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.00	<p>No - employees with care responsibilities do not have the right to request flexitime or telecommuting.</p> <p>The Labour Code of Sri Lanka does not contain laws addressing flexitime or work-from-home policies.</p>	<p>The Labour Code</p> <p>The Shop and Office Employees Act</p>



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A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.10	<p>Yes, the special needs of some workers with family responsibilities are taken into account in shift-work arrangements and assignments to night work. However, significant exclusions exist.</p> <p>Protections for women as a whole exist, as opposed to specifically caregivers.</p> <p>Section 67A of The Factories Ordinance states that: "The employment of a woman at night, in a factory shall be subject to the following conditions: - (a) no woman shall be compelled to work at night against her will; (c) no woman who has been employed during the hours of 6 a.m. and 6 p.m. shall be employed after 10 p.m. on any day; (g) no woman shall be employed for more than ten days on night work, during any one month."</p> <p>Further, Section 2A of the Employment of Women, Children, and Young Persons Act reiterates the same policies as mentioned above.</p> <p>Exclusionary Conditions The laws listed above offer a blanket protection for women in night-work. However, this policy offers protections on the basis of gender, not on the basis of family responsibilities. Therefore, male workers do not have the right to have their family responsibilities taken into account when considering assignments to night work. Furthermore, the laws do not mention assignments to shift-work during the day.</p> <p>Due to the limited scope of the laws, Sri Lanka only scores 0.1 for this section.</p>	<p>The Factories Ordinance, Clause 67A (2)</p> <p>Employment of Women, Children, and Young Persons Act - Section 2A, Clause 2</p>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	<p>No, a woman is not allowed to leave the workplace in order to undergo medical examinations related to her pregnancy.</p> <p>There is no explicit mention of such a law in either the Maternity Benefits Ordinance, Shop and Office Employees Act, or the Establishments Code.</p>	<p>Maternity Benefits Ordinance</p> <p>Shop and Office Employees Act</p> <p>Establishment Code</p> <p>Maternity Legislation in Sri Lanka: Are Women Equal, Special, or Different?</p>
A6.	Mother-Friendly Workplace Policies			
A6.1	Nursing Support in the Workplace			
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	<p>Yes, working mothers are guaranteed daily breaks to nurse their children.</p> <p>Section 12B of the Maternity Benefits Ordinance states that "The employer of a woman worker in any trade shall, if she is nursing a child under one year of age, allow her, in any period of nine hours, two nursing intervals at such times as she may require. Each interval shall, where creche or other suitable place is provided by such employer to such worker for nursing such child, be not less than thirty minutes, and, where no creche or other suitable place is so provided, be not less than one hour, and shall be in addition to any interval provided to such worker for meals or rest under any written law and be regarded, for the purposes of her employment, as time during which she has worked in her employment."</p> <p>Section 18:6 of The Establishment Code states that "After the expiration of the maternity leave obtained under sub section 18:2:1 the officer should be allowed to leave office one hour before the normal time of departure for them to breast feed the child provided no leave mentioned in sub section 18:3:1 has been availed of. This concession should continue only till the child completes the age of six months (06)."</p> <p>Finally, Commission Circular 10/2013 by Section 1(B) grants a mothers employed in State Higher Educational Institutions two half hour nursing intervals after resumption of duties till the child reaches one year.</p>	<p>Maternity Legislation in Sri Lanka: Are women equal, special, or different?, pg 66-67</p> <p>Maternity Benefits Ordinance, Section 12B</p> <p>Establishment code, Section 18:7</p> <p>Commission Circular 10/2013 (Amendment to Chapter XII of the Establishment Code)</p>



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A6.1.2	Are these breaks counted and compensated as working time?	1.00	<p>Yes, daily breaks for a mother to pump milk, breastfeed, or nurse her child are compensated as working time.</p> <p>The Maternity Benefits Ordinance states that nursing breaks are "to be regarded, for the purposes of her employment, as time during which she has worked in her employment."</p>	<p>Maternity Benefits Ordinance, Section 12B</p> <p>Commission Circular 10/2013 (Amendment to Chapter XII of the Establishment Code)</p>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.10	<p>No, the frequency and length of these nursing breaks can not be adapted to particular needs on the production of a medical certificate.</p> <p>There is no explicit mention of the possibility to adapt frequency or length of nursing breaks in either the Maternity Benefits Ordinance, Shop and Office Employees Act or the Establishments Code.</p> <p>However, Section 12B of the Maternity Benefits Ordinance states that "The employer of a woman worker in any trade shall, if she is nursing a child under one year of age, allow her, in any period of nine hours, two nursing intervals at such times as she may require." Therefore, a degree of flexibility with regard to the specific timing of the nursing breaks does exist.</p> <p>As such, Sri Lanka has scored 0.1 for this question due to a minimal provision of flexibility in nursing breaks offered to some women workers.</p>	<p>Maternity Benefits Ordinance, Section 12B</p> <p>Shop and Office Employees Act</p> <p>Commission Circular 10/2013 (Amendment to Chapter XII of the Establishment Code)</p>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.00	<p>No, employers are not required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk.</p> <p>There is no explicit mention of a requirement to provide infrastructural support in or near the workplace for breastfeeding in either the Shop and Office Employees Act or the Establishments Code.</p> <p>However, Section 12A(1) of the Maternity Benefits Ordinance states that "The employer of more than a prescribed number of women workers in any trade shall establish and maintain, in accordance with regulations made in that behalf, a creche for children under five years of age, and shall allow any such worker who has in her care a child or children under five years of age, to leave such child or children in such creche during the hours when she is required to work for her employer."</p> <p>However, the recent National Daycare Center Policy acknowledges that "The State recognises that it is not mandatory at present for employers to provide Child Care services to its employee". This implies that Section 12A(1) of the Maternity Benefits Ordinance is yet to be formally defined and enacted.</p> <p>Overall, there are no requirements for employers to provide nursing facilities at or near the workplace in Sri Lanka.</p>	<p>Maternity Benefits Ordinance, Section 12B</p> <p>Shop and Office Employees Act</p> <p>Commission Circular 10/2013 (Amendment to Chapter XII of the Establishment Code)</p>
A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	<p>No, employers are not required to assess and report workplace risks related to the risks related to the health and safety of pregnant and nursing women and children. There is no explicit mention of this in either the Maternity Benefits Ordinance, Shop and Office Employees Act, or the Establishments Code.</p> <p>Employers are not required to do workplace risk assessments in the Factories Ordinance - rather, there are provisions for inspections by Ministry of labor officials instead.</p>	<p>Shop and Office Act</p> <p>Maternity Benefits Ordinance Sri Lanka</p> <p>The Factories Ordinance</p> <p>Establishment Code Chapter XII</p>

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A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.50	<p>Yes - all pregnant women who have informed their employer of their upcoming confinement are exempt from performing work that has been determined to be prejudicial to the health of the mother and child. However, two exclusionary conditions exist.</p> <p>The Shop and Office Act and Maternity Benefits Ordinance protect women from participating in "any such work as may be injurious to her or her child" for three months preceding her confinement.</p> <p>However, similar provisions are not seen in the laws governing the state sector.</p> <p>Exclusionary Conditions:</p> <ol style="list-style-type: none"> 1) There are no provisions that exempt state sector employees from performing work deemed prejudicial to the health of mother or child. 2) The provisions that exist for private sector employees only come into force for the last 3 months before the mother's due date. <p>Score = 1 - 0.25 - 0.25 = 0.50</p>	<p>Maternity Benefits Ordinance 10B</p> <p>Shop and Office Employees Act 18D</p> <p>Maternity Legislation in Sri Lanka : Are Women Equal, Special, or Different? Pg 66</p>
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.50	<p>Yes, women are entitled to eliminate risk elements from work, adapt the conditions of their work, or transfer from harmful labour to other kinds of non-injurious labour, with exceptions.</p> <p>The Shop and Office Act, Maternity Benefits Ordinance protect women from "any such work as may be injurious to her or her child" for three month preceding her confinement.</p> <p>However, similar provisions are not seen in the laws governing the state sector. Nevertheless, Section 18:6 of the Establishment Code permits a women to arrive for work and leave office half an hour earlier than the normal time from end of the fifth month of pregnancy. A similar provision is seen in Section 1(c) of the circular governing university officers.</p> <p>Exclusionary Conditions:</p> <ol style="list-style-type: none"> 1) There are no provisions that enable state sector employees to adapt the conditions of her work if they are risky to her health. 2) The provisions that exist for private sector employees only come into force for the last 3 months before the mother's due date. <p>Score = 1 - 0.25 - 0.25 = 0.50</p>	<p>Maternity Benefits Ordinance 10B</p> <p>Shop and Office Employees Act 18D</p> <p>Maternity Legislation in Sri Lanka : Are Women Equal, Special, or Different? Pg 66</p>
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	<p>According Section 2A of the Act on the Employment of Women, Children, and Young Persons, "No woman shall be compelled to work at night against her will". This is a more generous set of protections for women which goes beyond protections for women who are pregnant or nursing, hence Sri Lanka is scored 1 for this question.</p>	<p>Employment of Women, Young Persons, and Children Act, Section 2A, Clause 2</p>

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws				
B1.1	Are domestic workers covered under national labor laws?	0.10	<p>No, Sri Lanka has no relevant labor laws that apply to domestic workers.</p> <p>The Shop and Office Act mandates when and how remuneration is payable. Domestic workers, by virtue of the fact that they are not 'employed in or about the business of a shop or office, are excluded from the protective framework of this Act.</p> <p>There are two existing, pre-independence laws applying to domestic workers in Sri Lanka. The laws are :</p> <ol style="list-style-type: none"> 1.The Domestic Servants Ordinance of 1871 (Amended 1936) and 2. The Chauffeur's Ordinance of 1912. <p>The Domestic Servants Ordinance is obsolete because it primarily focuses on registering Domestic workers using a passbook.</p> <p>However, as these laws are largely obsolete now, domestic work is mainly governed under the Industrial Disputes Act which provides limited legal relief. It recognises verbal contract as binding and allows domestic workers to seek redress. The Wage Boards Ordinance too could be interpreted as applicable to domestic workers, as it applies to "persons employed in trades". However, no wage board has been set up for domestic workers yet. There is no minimum wage, no national social security that applies to this occupation. Sri Lanka has no applicable labor laws that regulate the hours worked of a domestic worker.</p> <p>As there are some measures for dispute resolution for domestic workers covered under the Industrial Disputes Act, Sri Lanka scores a 0.1 for this subsection.</p> <p>Score = 0.1</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 11-12</p> <p>Domestic Servants Ordinance</p> <p>Industrial Disputes Act</p> <p>Shop and Office Employees Act</p>



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B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.00	<p>No, legislations do not cover all categories of domestic work and contractual arrangements.</p> <p>Under Sri Lankan law, a domestic worker is defined in the Domestic Servants Ordinance No. 28 of 1871 as a 'servant, hired by the month or receiving monthly wages, and shall include head and under servants, female servants, cooks, coach-man, horse-keepers, and house and garden servants'.</p> <p>However, though the domestic worker may be defined, they have not been characterized as entitled to a rights framework guaranteed under the labor law of the country.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Domestic Servants Ordinance</p> <p>Industrial Disputes Act</p> <p>Shop and Office Employees Act</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.00	<p><u>No, there is no explicit requirement for domestic workers to be informed of their terms of employment.</u></p> <p><u>There is no legal requirement except under the Shop and Office Employees Act (No 19 of 1954) and the antiquated Service Contracts Ordinance No. 11 of 1865, to issue a written employment contract. However, the Shop and Office Employees Act does not apply to domestic workers as they are not employed in a Shop or Office.</u></p> <p><u>Section 48 of the Industrial Disputes Act defines an employee as "any person who had entered into or works under a contract with the employer in any capacity, whether the contract is expressed or implied, oral or in writing, or whether it is a contract of service or of apprenticeship, or a contract personally to execute any work of labor and includes any person whose services have been terminated". Therefore, a domestic worker with an oral contract could still be recognized as an employee, but no law specifically mandates the existence of a contract.</u></p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Shop and Office Employees Act, Clause 15</p>
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.00	<p>No, there is no requirement for domestic workers' contracts to include standard information about the employment relationship.</p> <p>There is no legal requirement except under the Shop and Office Employees Act (No 19 of 1954) to issue a written employment contract. Section 15 of the Shop and Office Employees Act specifies that standard information about the employment relationship must be included. However, the Shop and Office Employees Act does not apply to domestic workers as they are not employed in a Shop or Office.</p> <p>Section 15 reads : "The particulars relating to the conditions of employment required to be furnished in terms of section 17 of the Act by an employer to the employee on the date of his employment shall include the following:-</p> <ul style="list-style-type: none"> (a) The name of employee and designation and nature of the appointment. (b) The date on which the appointment takes effect. (c) The grade to which the person is appointed. (d) Basic remuneration and the scale of remuneration. (e) Whether remuneration is paid weekly, fortnightly or monthly. (f) Cost of living allowance, if any, and other allowances, if any. (g) (i) The period of probation or trial, if any, and the conditions governing such period of probation or trial. (ii) Circumstances under which the appointment may be terminated during such probation or trial. (h) (i) Conditions governing the employment. (ii) Circumstances and conditions under which the employment may be terminated. (i) Normal hours of work. (j) Number of weekly holidays, annually holidays, casual and privilege leave, which such person is entitled to. (k) Overtime rate payable. (l) Provision of medical aid, if any, by the employer. (m) The provision of and the conditions governing any provident fund, pension scheme or gratuity scheme applicable to the employment. (n) Prospects of promotion." 	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Shop and Office Employees Act, Clause 15</p>



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B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.00	<p>No, there is no explicit requirement for domestic workers' contracts to include information about working hours, rest, and leave.</p> <p>There is no legal requirement except under the Shop and Office Employees Act (No 19 of 1954) to issue a written employment contract. Section 15 of The Shop and Office Act specifies that information about working hours, rest, and leave must be explicitly included in contracts. However, the Shop and Office Employees Act does not apply to domestic workers as they are not employed in a Shop or Office.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Shop and Office Employees Act, Clause 15</p>
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.00	<p>No, there is no explicit requirement for domestic workers' contracts to include information about their wages.</p> <p>There is no legal requirement except under the Shop and Office Employees Act (No 19 of 1954) to issue a written employment contract. Section 15 of The Shop and Office Act specifies that information about wages must be explicitly included in employment contracts. However, the Shop and Office Employees Act does not apply to domestic workers as they are not employed in a Shop or Office.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Shop and Office Employees Act, Clause 15</p>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No, there is no explicit requirement for the contracts of live-in domestic workers to include information about living conditions.</p> <p>There is no legal requirement except under the Shop and Office Employees Act (No 19 of 1954) and the antiquated Service Contracts Ordinance No. 11 of 1865, to issue a written employment contract. However, the Shop and Office Employees Act does not apply to domestic workers as they are not employed in a Shop or Office. Nevertheless, this act does not specify that contracts must include information on working conditions.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 11-12</p> <p>Shop and Office Employees Act, Clause 15</p>
B2.2	Regulations for Recruitment and Employment Process			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.00	<p>No, there are no regulations on placements of domestic workers by private employment agencies within Sri Lanka.</p> <p>The SLBFE Act only regulates how private employment agencies can place Sri Lankan migrant workers in positions outside of Sri Lanka.</p>	<p>Fee Charging Employment Agencies Act</p> <p>The Sri Lanka Bureau of Foreign Employment Act</p>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>No, there are no measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.</p> <p>Clause 7 of the Fee Charging Employment Agencies Act only states that "No fee-charging employment agency shall charge for any service rendered by that agency a fee in excess of the prescribed fee for such service." This does not explicitly prevent private employment agencies from deducting fees from the remuneration of domestic workers.</p>	<p>Fee Charging Employment Agencies Act</p>
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	<p>No, there are no measures to prohibit discrimination against domestic workers on the basis of medical testing results.</p> <p>Furthermore, no parallel protections exist in local labor laws that apply to other categories of workers either, such as the Shop and Office Employees Act.</p>	<p>Shop and Office Employees Act</p>
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			



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B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	<p>No, there is no requirement of normal hours of work for domestic workers.</p> <p>The Shop and Office Employees Act limits working time as follows: "the normal period during which any person may be employed in or about the business of any shop or office - (a) on any one day shall not exceed eight hours, and (b) in any one week shall not exceed forty five hours."</p> <p>However, as domestic workers are excluded from the protection of the Shop and Office Act, there is no requirement for employers to comply with mandatory rest periods, annual leave or maximum working times as set out under these laws.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act, Part I Section 2.</p>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	<p>No, periods in which domestic workers remain to respond to possible calls are not required to be regarded as hours of work.</p> <p>There are no measures for "on call time" being accounted for as working hours in the Shop and Office Employees Act or the Factories Ordinance - and domestic workers are excluded from these acts anyway.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act, Part I Section 2.</p>
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	<p>No, there are no limitations on the number of hours of standby work that can be given to a domestic worker, and no regulation on compensation for standby work.</p> <p>The concept of standby work is not addressed in any of the labor laws in Sri Lanka. -Sections 68-70 of the Factories Ordinance lay out regulations of overtime work and compensation mechanisms for overtime work, but not for standby work.</p> <p>Furthermore, due to the exclusion of domestic workers from the Shop and Office Act, The Factories Ordinance, and the Wages Boards Ordinance, there is no requirement for employers to comply with mandatory rest periods, annual leave or maximum working times as set out under these laws.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act, Part I Section 2.</p>



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B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	<p>No, there is no requirement that a domestic worker's hours of work must be accurately recorded and records must be kept accessible to the worker.</p> <p>Section 3 of the Wage Boards Ordinance specifies that employers must keep a record of the employees hours of work, and states that upon request by the worker or a trade union, these records must be made available to the requestor. However, domestic workers are not protected by the Wage Boards Ordinance.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance, Section 3</p> <p>Shop and Office Employees Act, Part I Section 2.</p>
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.00	<p>No, there is no requirement for domestic workers to be provided with a safe and healthy working environment.</p> <p>Domestic workers are not included in the Factories Ordinance, which governs the safety and welfare of factory workers. This ordinance holds employers accountable for workplace hazards. Section 64 also lays out provisions for investigations in the case of death by disease contracted at the workplace, or because of workplace injuries. Sections 52-56 detail measures to be taken when workers are exposed to dangerous chemicals.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 23-24</p> <p>The Factories Ordinance 1950</p>
B3.2	Rest and Leave			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	<p>No, there is no requirement for daily rest for domestic workers.</p> <p>Sri Lanka currently has no applicable labor laws that regulate working time in the domestic work sector. Due to the domestic worker's exclusion from the Shop and Office Act and the Wages Boards Ordinance, there is no requirement for employers to comply with mandatory rest periods as set out under these laws.</p> <p>The Shop and Office Employees Act limits working time as follows: "the normal period during which any person may be employed in or about the business of any shop or office - (a) on any one day shall not exceed eight hours, and (b) in any one week shall not exceed forty five hours."</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act, Part I Section 2.</p>
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.00	<p>No, there is no minimum defined period of weekly rest for domestic workers.</p> <p>Sri Lanka currently has no applicable labor laws that regulate working time in the domestic work sector. Due to the domestic worker's exclusion from the Shop and Office Act and the Wages Boards Ordinance, there is no requirement for employers to comply with mandatory rest periods, annual leave or maximum working times as set out under these laws.</p> <p>Clause 5 of the Shop and Office Act states that "every person employed in or about the business of any shop or office shall, in respect of each week, be allowed one whole holiday and one half-holiday. Such holidays shall be so allowed with full remuneration if such person has worked for not less than twenty-eight hours, exclusive of any period of overtime work, during that week."</p> <p>However as domestic workers do not work in a shop or office, they are excluded from this protection.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>Shop and Office Employees Act, Part I Clause 5</p>



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B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	<p>No, there are no defined exceptions where domestic workers may be asked to work during periods of rest, and compensatory rest is not mandatory.</p> <p>In the Shop and Office Employees Act, workers who have been asked to work on a public holiday "shall be paid not less than one and a half times his normal daily rate of remuneration". In other acts, such as the Factories Ordinance, there is no mention of situations where workers have been asked to work during periods of rest. Nevertheless, domestic workers are omitted from the scope of both these acts.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>Shop and Office Employees Act. Part 1, Clause 7B</p>
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.00	<p>There are no specifications for paid annual leave for domestic workers</p> <p>The paid annual leave specified under the Shop and Office Employees act is a compulsory period of 14 days, which is still less than the recommended 3 weeks per year, suggested by the ILO. However, domestic workers are excluded from this protection.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 38</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act. Clause 6</p>
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	<p>There are no allocations within the law for the situation in which domestic workers accompany household members of holiday.</p> <p>Because the Shop and Office Employees Act does not cover domestic workers, there are no provisions in the law to account for this situation.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 38</p> <p>The Factories Ordinance</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act. Clause 6</p>
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.00	<p>No. The minimum wage for domestic workers is not the national minimum wage. The National Minimum Wage of Workers Act 2016 (NMMWA) explicitly excludes domestic servants in its definition of "worker".</p> <p>The NMMWA states that a "worker" means, "any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, oral or in writing and whether it is a contract of service or of apprenticeship excluding a contract of apprenticeship covered under the Tertiary and Vocational Education Act, No. 20 of 1990 and the Employment of Trainees (Private Sector) Act, No. 8 of 1978, or a contract personally to execute any work or labour and includes any person ordinarily employed under any such contract whether such person is or is not in employment at any particular time and includes any person whose services have been terminated but does not include a domestic servant."</p> <p>Therefore, domestic workers are excluded from the minimum wage in Sri Lanka.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 1</p> <p>National Minimum Wage of Workers Act 2016</p> <p>National Minimum Wage Ordinance</p> <p>Wage Board Ordinance</p>



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B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	<p>There are no laws that specify overtime compensation for domestic workers.</p> <p>Overtime compensation is regulated by the Shop and Office Employees Act and Minimum Wage Ordinance which do not apply to domestic workers. Clause 7 of the Shop and Office Employees Act states that each hour of overtime work should be paid at minimum 1.5x the hourly rate of the worker's ordinary remuneration. .</p> <p>According to Section 24 (d) of the Minimum Wage Ordinance, the issue of work on holidays and the wages for such work should be at a rate not less than the overtime rate. If an overtime rate has been pre-determined, then it should be one-and-a quarter times the rate normally applied to such work. The National Minimum Wage Ordinance explicitly excludes domestic servants in its definition of "worker".</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 38</p> <p>National Minimum Wage Ordinance, Section 24(d)</p> <p>The Factories Ordinance, clauses 68-70</p> <p>Wage Boards Ordinance</p> <p>Shop and Office Employees Act, Clause 7</p>
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	<p>No., there are no limitations on the payment of wages in kind for domestic workers.</p> <p>According to Section 2 of the Minimum Wage Ordinance deductions from the wages of a worker may be made to account for the price of any article of food supplied to the worker by the employer.</p> <p>According to the Shop and Office Employees Act, deductions from wages may be made by the employer in accordance with Section 19(1)(a)(iii) of the Act in respect of "The price of any food or any article of food or any charges for loading supplied or provided to the employee by his employer".</p> <p>However, the above two acts do not apply to domestic workers.</p> <p>According to the Wage Boards Ordinance however, authorized deductions of any kind cannot exceed 50% of the wages owed.</p> <p>Legal analysis conducted by Verite Research highlights that the Wage Boards Ordinance is vaguely framed so as to apply to "workers in any trade". This means that under certain interpretations, domestic workers could be excluded (for not being part of a purely commercial undertaking). However, they may also be included, because domestic workers are entitled to participating in trade disputes under the Industrial Disputes Act. Verite Research states that "It would be counter-intuitive to accept that domestic workers can be engaged in a 'trade dispute' without domestic work being classified as a 'trade'."</p> <p>Despite the vague framing of the law, Sri Lanka scores</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 11-13</p> <p>National Minimum Wage Ordinance, Section 2</p> <p>Wage Board Ordinance</p>
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	<p>No, there is no requirement to provide at least a monthly payment of wages in cash to domestic workers.</p> <p>Part II, Section 19(b) of the Shop and Office Employees Act states that employers must pay their employees remuneration on a period not exceeding one month. However, domestic workers are not protected by this act.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 11-13</p> <p>Shop and Office Employees Act, Part II, Section 19 (b)</p>



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B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	<p>No. There is no requirement that domestic workers are given a written account of the total wages due to them at the time of payment.</p> <p>The Wage Boards Ordinance specifies that "Every employer who under section 3, maintains or has maintained a wage record shall, on any request made by a worker or by the trade union to which he belongs, furnish or cause to be furnished, all particulars of the wages paid to such worker in the prescribed form."</p> <p>Legal analysis conducted by Verite Research highlights that the Wage Boards Ordinance is vaguely framed so as to apply to "workers in any trade". This means that under certain interpretations, domestic workers could be excluded (for not being part of a purely commercial undertaking). However, they may also be included, because domestic workers are entitled to participating in trade disputes under the Industrial Disputes Act. Verite Research states that "It would be counter-intuitive to accept that domestic workers can be engaged in a 'trade dispute' without domestic work being classified as a 'trade'".</p> <p>Despite the vague framing of the law, Sri Lanka scores</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 11-13</p> <p>National Minimum Wage Ordinance</p> <p>Wage Board Ordinance, Part I Section 3C</p> <p>Verite Research</p>
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	<p>No, there is no law that dictates that upon termination of contract, outstanding payments should be made to domestic workers.</p> <p>Part I, Section 2 (c) of the Wage Board Ordinance states that "If on any date he [the employer] terminates the employment of a worker or any worker lawfully terminates employment under him, he shall, before the expiry of the second working day after that date, pay the wages due to that worker".</p> <p>Legal analysis conducted by Verite Research highlights that the Wage Boards Ordinance is vaguely framed so as to apply to "workers in any trade". This means that under certain interpretations, domestic workers could be excluded (for not being part of a purely commercial undertaking). However, they may also be included, because domestic workers are entitled to participating in trade disputes under the Industrial Disputes Act. Verite Research states that "It would be counter-intuitive to accept that domestic workers can be engaged in a 'trade dispute' without domestic work being classified as a 'trade'".</p> <p>Despite the vague framing of the law, Sri Lanka scores</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, pg 11-13</p> <p>National Minimum Wage Ordinance</p> <p>Wage Board Ordinance, Part 1, Section 2C</p> <p>Verite Research</p>
B3.4	Social Security			
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes - there is universal free healthcare in Sri Lanka.</p> <p>Universal free healthcare in Sri Lanka covers doctor's visits, a majority of pharmaceutical provisions, most scans and some surgeries. Sri Lanka has a comprehensive implicit benefits package, with a full range of services (including even cosmetic surgery and costly oncology drugs for at least some patients) provided to the population.</p>	<p>The Health Services Act</p>
B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	<p>No, domestic workers are not eligible for paid sick leave.</p> <p>Since the Shop and Office Employees Act isn't applicable to domestic workers, the provisions within it with regard to leave are also inapplicable. This act provides for "casual leave" of upto 7 days, which can be used if an employee falls ill.</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework., pg 20-21</p> <p>Shop and Office Employees Act, Part I Clause 5</p>
B3.4.3	Are domestic workers eligible for unemployment benefits?	99.00	<p>This question is not applicable to Sri Lanka, as there are no unemployment benefits for workers in Sri Lanka.</p>	



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B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	0.00	<p>Domestic workers are not eligible for old-age benefits.</p> <p>Verite Research observes that the three key legislative instruments governing social security for the labor force in Sri Lanka are:</p> <ol style="list-style-type: none"> 1)The Employees' Provident Fund No. 15 of 1958 (EPF Act) 2)The Employees' Trust Fund No. 46of 1980 3)The Payment of Gratuity Act No. 12 of 1983 <p>In <i>Sri Lanka: Domestic Workers. An Analysis of the Legal and Policy Framework</i>, Verite Research observes that "The EPF Act provides for a fund that is sustained through monthly employer and employee contributions. According to the Act, members of the fund are entitled to the sum lying in their accounts either upon retirement (i.e. 55 years of age for men and 50 years of age for women) or cessation of employment. Similarly, the ETF Act provides for a fund based on employee and employer contributions.</p> <p>Crucially, both the EPF and the ETF Acts omit the domestic worker from their social protections." ETF contributions are only deducted from employers who are hiring on behalf of a business.</p>	<p>Employees Trust Fund Act No 15 of 1958</p> <p>Verite Research</p>
B3.4.5	Are domestic workers eligible for employment injury benefits?	0.00	<p>No, domestic workers are not eligible for employment injury benefits.</p> <p>Domestic workers are excluded from the compensation mechanism set out under the Workmen's Compensation Ordinance No. 19 of 1934 for injuries sustained during the course of employment.</p> <p>Firstly, the Workers Compensation Ordinance defines a workman as "any person who has entered into or works under a contract with an employer for the purposes of his trade or business in any capacity". Under this definition, domestic workers are excluded because they are not employed for the employer's business or trade.</p> <p>The Ordinance also only applies to a 'body of persons whether corporate or unincorporated'. The reference to a 'body of persons' implies that the Ordinance was intended to apply to businesses and other commercial undertakings rather than an individual employer of domestic workers.</p>	<p>Workmen's Compensation Ordinance, Part II</p> <p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24</p>
B3.4.6	Are domestic workers eligible for invalidity benefits?	0.00	<p>No, domestic workers are not eligible for invalidity benefits.</p> <p>The Employees' Trust Fund Act, 1980 provides for invalidity benefit in the case of non-occupational accident/injury/disease resulting into permanent invalidity. The benefit is paid as a lump sum of the total employee and employer contributions plus interest. The worker must be assessed with a permanent and total incapacity for work.</p> <p>Domestic Workers are not eligible for ETF contributions and thus would not qualify for invalidity benefits.</p>	<p>Employees Trust Fund Act No. 46 of 1980, pg 16</p> <p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24</p>
B3.4.7	Are domestic workers eligible for survivors' benefit?	0.00	<p>No, domestic workers are not eligible for survivors' benefits.</p> <p>Survivors' benefit is available to those who are covered by the Employees Trust Fund (ETF) as the benefit is taken from employee and employer contributions to the ETF. ETF contributions are only deducted from employers who are hiring on behalf of a business.</p> <p>Domestic Workers are not eligible for ETF contributions and thus would not qualify for survivors' benefit.</p>	<p>Employees Trust Fund Act No. 46 of 1980, pg 36</p>



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B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	<p>There is no explicit protection granted for domestic workers' claims in the event of employer's insolvency or death.</p> <p>Under the Termination of Employment of Workmen (Special Provisions) Act No 45 of 1971 (TEWA), if a business has been closed down and the requisite notice has not been given to either the employees or the Commissioner of labor (Commissioner), the Commissioner has the power to investigate and inquire into that closure and to order the ex-employer to pay compensation to the employees concerned. This will be in addition to the rights of aggrieved employees to file an application to a labor Tribunal under the Industrial Disputes Act No 43 of 1950. However, the domestic worker/employer relationship is not accounted for under the definitions listed in the TEWA.</p> <p>However, Domestic Workers can appeal under the Industrial Disputes Act to have their claims heard. In fact, 'domestic servants' are specifically cited in Section 33(3) of the Act.</p> <p>Verite Research observes however that "The jurisdiction of the tribunal with respect to domestic workers is, however, limited to Section 31B(1) of the Industrial Disputes Act. Hence domestic workers are only entitled to make a complaint regarding the termination of services and the 'conditions of labour', which thus far have not been properly defined in the context of domestic work."</p> <p>Because there are no explicit laws protecting domestic workers' claims in the event of the employer's insolvency or death, Sri Lanka received a score of 0 for this section.</p>	<p>Industrial Disputes Act</p> <p>Termination of Employment of Workmen (Special Provisions) Act No 45 of 1971</p>
B3.5 Living Conditions for Live-in Workers				
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	<p>No, there is no explicit mention of whether domestic workers have the right to decide whether to live in their employer's household in the Domestic Servants Ordinance. Other laws such as the Shop and Office Employees Act do not apply to domestic workers.</p>	<p>Domestic Servants Ordinance</p>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	<p>No, there are no requirements for employers to provide live-in domestic workers with private accommodation.</p> <p>Other acts, such as the Shop and Office Employees Act and Domestic Servants Ordinance do not specify the requirement for privacy in accommodations for workers.</p>	<p>The Industrial Disputes Act</p> <p>Shop and Office Employees Act</p>
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No, there are no requirements for employers to provide access to suitable sanitary facilities for live-in workers.</p> <p>The Shop and Office Employees Act states in Section 13 that "Save and except to the extent to which a certificate issued under section 14 is in force in respect of any shop or office, there shall be provided and maintained in the premises of every shop or office by the employer suitable and sufficient sanitary conveniences and washing facilities for the use of all persons employed in or about the business of that shop or office", and mandates the separation of facilities for men and women.</p> <p>However, this does not apply to domestic workers or other workers who may be living in their workspaces.</p>	<p>Shop and Office Employees Act, Clause 13</p>
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	<p>No, there are no requirements that the employers of live-in domestic workers provide the workers with accommodation that has adequate lighting, heating, or air-conditioning.</p> <p>The Factories Ordinance clauses 12 and 13 state that</p> <p>"Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all fumes, dust and other impurities injurious to health that may be generated in the course of any process or work carried on in the factory."</p> <p>and</p> <p>"Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing".</p> <p>The Shop and Office Act also ensures that "In every part of the premises of a shop or office in which persons are employed about the business of the shop or office, suitable and sufficient means of lighting and ventilation shall be provided and maintained by the employer."</p> <p>However, domestic workers are not covered under these laws.</p>	<p>The Factories Ordinance 1950</p> <p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24</p> <p>Shop and Office Employees Act, Clause 12</p>



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B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	<p>No, there are no laws that require an employer to provide meals to their live-in workers.</p> <p>Part VII of the Factories Ordinance states that employers must give workers adequate time for meals. However, there are no laws that engage with the concept of live-in workers and thus, no laws that mandate that an employer must provide live-in workers with appropriate meals. Section 67A (g) of the Factories Ordinance also states that every woman worker, working at night shall be provided with refreshments by the employer.</p>	<p>The Factories Ordinance 1950</p> <p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24</p>
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	<p>No, there are no laws to ensure that live-in domestic workers are not obliged to remain in the household or with household members during rest or leave.</p> <p>Under the Shop and Office Employees Act and Factories Ordinance, leave is granted but there is no specification on where leave can be spent.</p>	<p>The Factories Ordinance 1950</p> <p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24</p> <p>Shop and Office Employees Act, Clause 12</p>
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	<p>No, there is no requirement that live-in workers be given a reasonable period of notice to seek new employment and accommodation if the employer were to terminate their employment.</p> <p>Under the Industrial Disputes act, "Where an employer intends to effect retrenchment in respect of any workman employed in an industry carried on by that employer, he shall, ... give to that workman at least one month's notice in writing of such intention, and, if that workman is a member of a trade union, to that trade union too."</p> <p>However, this law is more specific to collective dismissals as opposed to individual dismissals. It thus appears not to apply to domestic workers.</p>	<p>The Industrial Disputes Act, Part IVB, 37F</p>
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	<p>No, live-in workers are not legally entitled to keep their travel and ID documents in their possession.</p> <p>There are no mentions in the Shop and Office Employees Act or Factories Ordinance of preventing an employer from keeping a worker's travel and ID documents.</p>	<p>The Industrial Disputes Act</p> <p>Shop and Office Employees Act</p>
B4.	Labor Rights			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes, there are legislative provisions for domestic workers to establish their own organizations or join workers' organizations.</p> <p>Sri Lanka has ratified the UN Convention on the Rights of Migrant Workers, the Freedom of Association Convention, and the Right to Organise Convention.</p> <p>The ratifications are reflected in the constitution and the national law:</p> <p>1) The Trade Union Ordinance 14 of 1935 allows workers over 16 years of age to form and join unions, to bargain collectively and to strike, including domestic workers and documented migrant workers.</p> <p>2) These rights are enforced further by the Industrial Disputes Act, which prohibits discrimination and termination based on union membership.</p>	<p>Industrial Disputes Act, Section 32A</p> <p>Trade Union Ordinance, Clause 31</p>
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, there are legislative provisions to recognize domestic workers' rights to collective bargaining.</p> <p>The Trade Unions Ordinance defines workmen as : "any person who has entered into or works under a contract with an employer in any capacity, whether the contract is express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship, or a contract personally to execute any work or labor and includes any person ordinarily employed under any such contract, whether such person is or is not in employment at any particular time."</p> <p>The definition does not thus explicitly leave out domestic workers. However, there are no explicit provisions to recognize the unique situation of domestic workers unionizing.</p> <p>The Domestic Workers Union is active in Sri Lanka.</p>	<p>The Trade Unions Ordinance</p>

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B4.2 Access to Complaint Mechanisms				
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes, there are complaint mechanisms for workers to report non-compliance with labor protections, but they are not explicitly for domestic workers.</p> <p>Domestic workers can complain to the Department of labor and/or the Commissioner of labor and under the Industrial Disputes Act can bring a case to the labor Tribunal.</p> <p>Verite Research finds that "Sri Lanka's labor law appears to partially comply with Article 17(1) of C189. The jurisdiction of the tribunal with respect to domestic workers is, however, limited to Section 31B(1) of the Industrial Disputes Act. Hence domestic workers are only entitled to make a complaint regarding the termination of services and the 'conditions of labor', which thus far have not been properly defined in the context of domestic work."</p> <p>In the case of physical abuse domestic workers can use the standard laws of the country and can complain to the police and resort to legal action.</p>	Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes, but they are not explicitly for domestic workers.</p> <p>Domestic workers can complain to the Department of Labor and/or the Commissioner of Labor and under the Industrial Disputes Act can bring a case to the Labor Tribunal.</p> <p>Verite Research finds that "Sri Lanka's labor law appears to partially comply with Article 17(1) of C189. The jurisdiction of the tribunal with respect to domestic workers is, however, limited to Section 31B(1) of the Industrial Disputes Act. Hence domestic workers are only entitled to make a complaint regarding the termination of services and the 'conditions of labor', which thus far have not been properly defined in the context of domestic work."</p> <p>In the case of physical abuse domestic workers can use the standard laws of the country and can complain to the police and resort to legal action, if desired.</p>	Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 24
B4.3 Enforcement and Protection Mechanisms				
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, there are no conditions under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers.</p> <p>Protections for other laborers Clause 65 of The Factories Ordinance gives the Minister of labor the power to open investigations into any report of disease or injury from within a factory. The Ordinance also grants the government officials the power to conduct inspections. However, on-site inspections of homes that domestic workers labor in are excluded -</p> <p>"This Ordinance shall not, except in so far as the Commissioner may by order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department".</p> <p>Clause 50 of the Shop and Office Employees Act also allows inspection of working conditions. It states that :</p> <p>"The Commissioner or any prescribed officer shall have power - (a) to enter and inspect, at all reasonable hours by day or night, any shop or office or part thereof or any place believed by the Commissioner or such officer, to be used as a shop or office, for the purpose of ascertaining whether the provisions of this Act are being complied with in respect thereof, or of examining any register, record or notice required by or under this Act to be kept or exhibited therein;"</p> <p>However, domestic workers are also excluded from the Shop and Office Employees Act.</p>	The Factories Ordinance, clause 65 and 81 (3) Shop and Office Employees Act clause 50 Sri Lanka : Domestic Workers. An Analysis of the Legal and Policy Framework, pg 24
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	0.00	<p>No, there are no penalties for private employment agencies for non-compliance with domestic worker protection laws.</p> <p>Domestic workers are largely excluded from protection laws. Section 31 of the Sri Lanka Bureau of Foreign Employment Act details the conditions under which an employment agency can have its license cancelled. This section does not mention non-compliance with domestic worker rights and protections as a criteria for cancelling licenses. In the event that an employer found by the employment agency is deemed by the SLBFE to be inappropriate or that it would be unsafe for the worker to go, the SLBFE will simply prevent the worker from going. This only applies to migrant workers leaving the country.</p>	The Fee Charging Employment Agencies Act The Sri Lanka Bureau of Foreign Employment Act, clause 31



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B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	0.00	<p>No, there are no penalties for employers who do not comply with domestic worker protections.</p> <p>Part XIII of the Factories Ordinance states that anyone found to have acted in contravention of the workplace safety laws set out by the Ordinance is to be guilty of an offence. Section 109 states that fines will increase when multiple offences are incurred. Section 51(3) of the Shop and Office Employees Act also states that employers who have not complied with the Act would be guilty of an offence and can thus be fined. However, Domestic workers are excluded from the protections granted by these acts.</p> <p>As a result, there are no penalties for employers who do not comply with domestic worker protections, as very few protections have been accorded to domestic workers.</p>	<p>The Factories Ordinance</p> <p>Shop and Office Ordinance</p> <p>Sri Lanka : Domestic Workers. An Analysis of the Legal and Policy Framework, pg 24</p>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.67	<p>Yes, domestic workers are legally protected against all forms of workplace abuse, harassment, and violence.</p> <p>Under Sri Lankan law, abuse, harassment and other forms of sexual abuse perpetrated against the domestic worker are punishable under the country's Penal Code No. 2 of 1883 (as amended). For instance, Section 345 prohibits sexual harassment perpetrated by words or physical force.</p> <p>Section 363, Section 364 and Section 365B deal with rape and other forms of grave sexual abuse.</p> <p>Furthermore, Section 342 covers general assault and battery, which is not covered by the sections on sexual offences.</p> <p>There are no laws regarding workplace abuse of a non-sexual nature, which can take the form of verbal abuse.</p> <p>Therefore, as Sri Lanka has protections for two out of three categories (harassment and violence, but not workplace abuse), Sri Lanka would score 2/3 Score = 0.67</p>	<p>Sri Lanka : Domestic workers. An Analysis of the legal and policy framework, Pg 26</p>
B5. Protections for Forced/Under-age Domestic Workers				
B5.1 Protections against Forced/Compulsory Labor				
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, the illegal extraction or forced labor of domestic workers is a punishable penal offence.</p> <p>Section 358A of the Penal Code reads that "(1) Any person who— (a) subjects or causes any person to be subjected to debt bondage or serfdom ; (b) subjects or causes any person to be subjected to forced or compulsory labor shall be guilty of an offence".</p>	<p>Sections 358A (Amendment No. 16 of 2006), 360C, 360A(2), and 360A(4) of the Penal Code</p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, domestic worker victims of forced labor would be provided with protection.</p> <p>There are no laws that explicitly target domestic worker victims of forced labor. However, there are measures to protect victims of human trafficking, and these mechanisms can be used to safely extract victims of forced labor too.</p> <p>Human trafficking and forced labor within Sri Lanka The 2021 Trafficking in Persons Report for Sri Lanka, published by the U.S Department of State, found that "The [Sri Lankan government had standard operating procedures (SOPs) for the identification and referral of potential victims [of human trafficking and forced labor] to services but did not implement them uniformly".</p> <p>Further, the report stated that "The government partnered with international organizations to provide medical, psycho-social, legal, and some reintegration support to identified victims regardless of their decision to cooperate with law enforcement. "</p> <p>The Standard Operation Procedures (SOP) developed by the International Organization for Migration and government of Sri Lanka sets out mechanisms by which victims of human trafficking can be protected and details how they should be treated. he SOP is a step-by-step guide to all agencies involved in the identification and provision of assistance and protection to victims of human trafficking, with a special focus on the Sri Lanka police – the first responders to trafficking and related crimes – to sensitize on their roles and responsibilities.</p> <p>While this SOP does not specifically target domestic workers and challenges still exist in implementation, individuals trafficked in the country for the purposes of forced labor and domestic work would be able to benefit from these provisions.</p>	<p>Review of Law, Policy, and Practice of Recruitment methods of Migrant Domestic Workers in Sri Lanka, pg 45</p> <p>Review of Standard Operation Procedures for Identification, Protection, and Referral of Victims of Human Trafficking</p> <p>2021 Trafficking in Persons Report for Sri Lanka</p>



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B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	0.75	<p>Yes, domestic worker victims of forced labor are provided with access to remedies. However these remedies are not explicitly tailored towards domestic workers.</p> <p>Within the Standard Operating Procedure (SOP) developed by the International Organization for Migration (IOM) and Sri Lankan government, methods in which victims of human trafficking can gain legal redress, counselling services, and shelters are available. While these methods were developed for victims of human trafficking, they can also apply to victims of forced labor.</p> <p>Shelters and Counselling services for victims of domestic abuse also exist. Approximately 42 organisations and approximately 83 branches of these organisations provide counselling services. Counselling services were identified in all districts except Kilinochchi and Mullaitivu.</p> <p>As remedies are not explicitly tailored towards domestic workers, this is counted as an exclusionary condition.</p> <p>$1-0.25 = 0.75$</p>	<p>Review of Law, Policy, and Practice of Recruitment methods of Migrant Domestic Workers in Sri Lanka, pg 45</p> <p>Review of Standard Operation Procedures for Identification, Protection, and Referral of Victims of Human Trafficking</p> <p>2021 Trafficking in Persons Report for Sri Lanka</p>
B5.2 Protections for Under-age Laborers				
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	1.00	<p>Yes, the minimum age for domestic workers is 16 years of age.</p> <p>The Employment of Women, Young Persons and Children Act provides that minimum age for employment is 16 years - an amendment introduced in June 2020. Further, the minimum age for employment in hazardous jobs is 18 years. The Act is also applicable to domestic workers without any distinction.</p> <p>Recently, it was announced that the list of hazardous jobs will be expanded to include domestic service - which would mean that the minimum age for employment as a domestic worker is 18 years. However, as of the writing of this report, the hazardous jobs list has not yet been updated.</p> <p>Therefore, the minimum age for employment in domestic service is 16 years of age.</p>	<p>Amendment to The Employment of Women, Young Persons, and Children Act</p> <p>The Employment of Women, Young Persons, and Children Act</p> <p>Hazardous Work List, Sri Lanka</p>
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	1.00	<p>Yes; domestic workers who are under the age of 18 and above the minimum age of employment, are still able to access compulsory education, or opportunities for further education or vocational training.</p> <p>Section 17 of the Employment of Women, Children and Young Persons Act states that "No person shall employ a child in such a manner as to prevent that child from attending school in accordance with provisions of any written law".</p> <p>This law theoretically allows domestic workers under the age of 18 to access compulsory education or vocational training.</p>	<p>Amendment to The Employment of Women, Young Persons, and Children Act</p> <p>The Employment of Women, Young Persons, and Children Act</p> <p>Hazardous Work List, Sri Lanka</p>
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	<p>No, there are no extra limitations on the hours of work of domestic workers who are under the age of 18 but above the minimum age of employment.</p>	<p>Amendment to The Employment of Women, Young Persons, and Children Act</p> <p>The Employment of Women, Young Persons, and Children Act</p> <p>Hazardous Work List, Sri Lanka</p>



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B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.00	No, there are no measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night. Section 2 of the Employment of Women, Children, and Young Persons Act states that no person under the age of 18 may be employed in a "private or public industrial undertaking" at any time during the night. However, domestic work is not classified as an industrial undertaking. Therefore, domestic workers under the age of 18 are not explicitly banned from night work.	Amendment to The Employment of Women, Young Persons, and Children Act The Employment of Women, Young Persons, and Children Act Hazardous Work List, Sri Lanka
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	Yes, there are measures to restrict work that is excessively demanding for workers under the age of 18. Section 20A of the Employment of Women, Young persons, and Children Act states that : "No person under the age of eighteen years shall be employed in any hazardous occupation". The term "hazardous occupation" has recently been amended to include domestic service, and thus workers under the age of 18 would not be allowed to engage in domestic service.	Act on the Employment of Women, Young persons, and Children
B6. Protections for Migrant Domestic Workers				
B6.1 Employment Support				
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	This section is not applicable to Sri Lanka. Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country. While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.	Department of Immigration and Emigration, Sri Lanka
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	This section is not applicable to Sri Lanka. Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country. While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.	Department of Immigration and Emigration, Sri Lanka
B6.2 Support after Termination of Employment				
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	This section is not applicable to Sri Lanka. Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country. While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.	Department of Immigration and Emigration, Sri Lanka
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	This section is not applicable to Sri Lanka. Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country. While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.	Department of Immigration and Emigration, Sri Lanka



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B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	<p>This section is not applicable to Sri Lanka.</p> <p>Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country.</p> <p>While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.</p>	Department of Immigration and Emigration, Sri Lanka
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	<p>This section is not applicable to Sri Lanka.</p> <p>Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country.</p> <p>While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.</p>	Department of Immigration and Emigration, Sri Lanka
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	<p>This section is not applicable to Sri Lanka.</p> <p>Foreign domestic workers are a negligibly small percentage of the workforce in Sri Lanka, as the country is primarily a source for labor, not a destination. Sri Lanka doesn't have dedicated immigration tracks for migrant workers to enter the country.</p> <p>While explicit statistics on the number of migrants and domestic workers do not exist, in 2017, 41,561 immigrants were present in Sri Lanka. This accounts for less than 0.2% of the population. Therefore, it appears plausible that the percentage of migrant workers to the total workforce is less than 10%. As such, Sri Lanka has not been scored for this section.</p>	Department of Immigration and Emigration, Sri Lanka