

**RE-IMAGINING
VULNERABILITIES:
THE COVID-19
PANDEMIC AND
INFORMALISED
MIGRANT APPAREL
WORKERS IN
SRI LANKA**

**SHYAMAIN
WICKRAMASINGHA**



**Re-imagining Vulnerabilities:
The COVID-19 Pandemic and
Informalised Migrant Apparel
Workers in Sri Lanka**

Shyamain Wickramasingha

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Re-imagining Vulnerabilities: The COVID-19 Pandemic and Informalised
Migrant Apparel Workers in Sri Lanka

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Migrant Apparel Workers in Sri Lanka**

by

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Abstract

This report gives visibility to the precarious conditions and new vulnerabilities of informal workers in the Sri Lankan apparel industry against the backdrop of the COVID-19 pandemic. It explores how the pandemic and the response to it have increased informal apparel workers' vulnerability to loss of livelihoods, income, failing social relations, and deprivation of citizenship rights. The report demonstrates that the state outsourcing its responsibility of providing livelihood security to the private sector has resulted in invisibilities that exacerbate informal workers' vulnerabilities. The report calls for regulating informal work and developing livelihood safety mechanisms for informal migrant workers in the apparel industry. It contends that any such plans must take into account gendered insecurities, given that women's income is closely intertwined with decision-making abilities, social status, and emotional and physical safety.

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Re-imagining Vulnerabilities: The COVID-19 pandemic and informalised migrant apparel workers in Sri Lanka

1. Background and Introduction

The apparel industry is the most significant contributor to the Sri Lankan economy and is the country's primary foreign income earner. The industry took off in Sri Lanka in the early 1980s and expanded under market liberalisation and favourable trade policies since 1977 (Kelegama 2004). From what started off as a 2% contribution to total exports in 1977 (CBSL 2009), the industry accounted for 44% of the country's total exports by value in 2019 (BOI 2019). As of 2021, the industry was valued at \$5.3bn and remained a favoured apparel sourcing destination for major global brands, including Bestseller, C&A, GAP, H&M, Marks and Spencer, PVH, and Victoria's Secret among others. It directly employed around 350,000 workers in over 400 garment factories spread across the country, including in its twelve Export Processing Zones (EPZs) (BOI 2021). Yet, in the two years since the COVID-19 pandemic started in 2020, the industry in Sri Lanka saw major structural changes.

On the one hand, the industry was affected by changes to purchasing patterns of global lead firms (also known as brands, buyers, and multinational corporations) resulting in withdrawal, delays, cancellations, and price reductions of orders (ILO 2020; Just Style 2020; The Guardian 2020; Ruwanpura and Sarvananthan 2021). Consequently, exports reduced from \$5.2bn in 2019 to \$3.9bn in 2020 – a 25% decrease (BOI 2022). Although some suppliers diversified by producing Personal Protective Equipment (PPE) and focused on opportunities in the domestic market,

these were not sustainable business solutions (ILO 2020; AFWA 2021). On the other hand, the production was severely disrupted due to the nation-wide lockdowns and surge of infections among apparel workers. Furthermore, due to the social distancing measures implemented, factories were unable to operate under full capacity.

Even though the industry shifted back to fashion wear manufacturing, and reported an export value of \$5.3bn in 2021, these initial setbacks and subsequent changes to the production and labour regimes had drastic economic and social consequences for apparel workers (Worker Rights Consortium 2020; Hewamanne 2021a; Ruwanpura and Women's Centre 2021). In addition to the threat to their health and wellbeing, Sri Lankan apparel workers had to deal with job losses, furlough, wage cuts, loss of incentives and bonuses, loss of overtime, and increased workloads. Of these, migrant workers, who worked for a daily wage turned out to be the most affected. This report focuses on this segment of workers within the Katunayake Export Processing Zone. It explains how the COVID-19 pandemic and the pandemic response of the state and manufacturers exacerbated the vulnerabilities of migrant apparel workers labouring under precarious conditions, i.e., informalised workers (henceforth referred to as informal workers).

The rest of this report is structured around six sections. Section two reviews informality in the context of the Sri Lankan apparel industry. Section three explains research methods engaged in this study. Section four presents the findings of the research. It discusses the precarity of informal work in the apparel industry and the way the pandemic and the pandemic response have increased the vulnerabilities of informal work.

The findings are organised under seven subsections: why workers chose informal work; financial considerations; regulatory gaps; 'blurred

lines' of employment; informal workers as second-class citizens; coping strategies during the pandemic; and informality and gender. Following this discussion, section five offers suggestions to mitigate the vulnerabilities of informal work: registration and regulation of labour market intermediaries; regulation of informal work; monitoring of compliance; and registering migrant workers as constituents of the Katunayake Grama Seva Division. In addition, the section reflects on the challenges to regulating informal work, followed by concluding remarks in section six.

2. Informality in the Sri Lankan garment industry

Informality in the Sri Lankan apparel industry is underpinned by what I call, the 'presence' of the state in its 'absence' (Mezzadri 2010) in regulating informal labour in the industry as also argued by (Skanthakumar 2019). Indeed, the Sri Lankan apparel industry is a good illustration of the contradictions of export-oriented industrialisation, and its different implications for production and labour regimes. The sector is both 'global' and 'informal', in that, informal labour plays a key role in cutting labour costs, and guaranteeing uninterrupted production. By 2015, between 30,000 - 35,000 informal workers were estimated to be working in the apparel industry (Skanthakumar 2019). To put this in context, at that time, the total labour force in the Katunayake Export Processing Zone (K-EPZ) was around 39,000 (Skanthakumar 2019). Informal work, where workers labour for daily wages, was rampant in K-EPZ in the pre-pandemic context, primarily engendered by the labour shortage that was prevalent in the zone since the 2010s. A study conducted by the Griffith University and the Institute of Policy Studies Sri Lanka in 2016 found that around 17% of the garment factory jobs in Sri Lanka were unfilled at that time (Ranasinghe et al. 2016). According to trade unions, this number

had increased to 20% by late 2018 (Wickramasinghe 2020). This meant, out of around 350,000 garment factory jobs, around 70,000 were vacant as of 2019. Of these, K-EPZ reported as many as 3,000 unfilled jobs in any given day (Wickramasinghe 2020).

Having a labour shortage and favourable labour market conditions however have not increased labour's bargaining power in K-EPZ. Instead, manufacturers have been able to devise strategies to turn labour conditions that were working against them to further intensify the labour process. In this sense, as Smith et al. (2018) found in the Moldovan garment industry, in the Sri Lankan context too, a paradox exists in the co-existence of tight labour markets and an intensified labour process (Skanthakumar 2019; Hewamanne 2020; Wickramasinghe 2020). The majority of manufacturers in K-EPZ depend on local labour market intermediaries (called manpower agencies in Sri Lanka) to fill their shortages (Hewamanne 2021b). As Skanthakumar argued, this way, manufacturers can shift the risks and responsibilities from employers to workers, cheapen the cost of labour, and weaken the power of workers in the workplace, to maximise the profits for themselves. Informal work has thus become a tool for some manufacturers to engage a labour cadre with minimum responsibilities and liabilities (Wickramasinghe 2020). Whereas earlier, manpower agencies provided workers for low-skilled, temporary jobs, such as cleaning and helping, in the 2010s this sourcing practice extended to the core functions of the factories such as stitching (Jayawardena 2016; Wickramasingha and Coe 2021). In some cases, factories employed informal workers at length to perform the same tasks but were denied employment security, statutory benefits, incentives, and other forms of compensation.

Although informal workers are embedded in a ‘triangular employment’ through the relationship between the factory and manpower agency (Theron 2005), the direct employer is the manpower agency. The factory enters into an agreement with the manpower agency to provide an adequate number of workers to cover their daily labour shortages, and often, they happen to be long term agreements. In this set-up, the payment of wages, labour control, and statutory obligations of workers are understood to remain with the manpower agency. The terms of contract and agreement between the factory and manpower agency are not disclosed to the worker. Thus, the worker has no knowledge of the payment the factory makes to the manpower agency for his/her services, the margin of the agent’s commission, and methods of calculating the deductions for transport and meals (Skanthakumar 2019). Within this triangular contractual arrangement, there is often confusion among workers as to who their real employer is, given they are being controlled by both the manpower agency and the factory management (Hewamanne 2021b).

Most manpower agencies are not registered, even though, they are required to do so under the Department of Labour, the Registrar of Companies, and or the local Divisional Secretariat (Skanthakumar 2019; Hewamanne 2021b). The majority of the manpower agencies also do not have a physical presence in the zone either. Some agents operate outdoors, near the K-EPZ gates, and near supermarkets in and around Averiwatte where K-EPZ is located. In some cases, the only information workers may have about the agent is a mobile telephone number. Around 7.00 a.m. every day, workers meet these agents who then assign factories to workers, and in some cases transport workers to the factories. Every morning, before workers are dispatched to the respective factories, their names, national identity card numbers, and the daily wages to be received

are recorded. Informal workers are not usually given employment contracts. There is thus no written, and pre-agreed information on the number of hours of work, pay, name of the workplace, or the exact job to be performed. Most of such terms of employment are communicated verbally by the agency to the workers on the day itself and in most cases, they are not negotiable. In this sense, most manpower agencies operating in K-EPZ have neither the capacity nor the credibility in satisfying the statutory obligations of an employer (Skanthakumar 2019; Hewamanne 2021b). Building on this existing knowledge on informal work in K-EPZ, this report primarily focuses on how this employment set-up played out in the pandemic context, specifically related to the pandemic response of the state and manufacturers, and its implications on the work and lives of informal workers.

3. Research context and methods

This research was carried out in the Katunayake Export Processing Zone (K-EPZ), where informal work is predominant. The bulk of the fieldwork was carried out in March and April 2022, while part of the data is drawn from another related study, I conducted from October 2020 to February 2022.

Located just north of Colombo, K-EPZ was set up as the first EPZ in Sri Lanka in 1978, as part of the structural adjustment policies adopted in 1977. K-EPZ is home to mostly locally-owned garment factories and attracts large numbers of young rural women from economically and socially marginalised backgrounds as machine operators (Hewamanne 2017). Workers in K-EPZ and its surrounding garment factory clusters can be grouped into two broad categories: internal migrant workers and local workers, many of whom are commuting daily to K-EPZ. Migrant workers

come from across the island including from the post-conflict regions. Most of them are typically young, unmarried women with 10-12 years of schooling (Hewamanne 2016). They live in rented accommodation or hostels provided by the factory, government, or local private sector, often sharing a room with several others. Local workers typically live with their own families within a 50-kilometres radius of K-EPZ and commute daily to work, primarily using factory provided transport. By 2020, about 45,000 rural women from economically and socially marginalized groups worked as machine operators in K-EPZ's 92 factories and a similar number worked for subcontracting factories around the Zone (Hewamanne 2021a).

This research asked five questions related to the social and economic conditions of informal workers in K-EPZ.

- Q1** What are the social and economic impacts of the COVID-19 pandemic on informal apparel workers?
- Q2** How have workers coped with the impacts of the pandemic?
- Q3** What are the existing social and legal protection measures on informal work?
- Q4** To what extent have the existing measures protected workers during the pandemic and what are the gaps if any?
- Q5** To what extent have the pandemic and the pandemic response exacerbated the precarious conditions in informal apparel work?

This study primarily used qualitative research methods that included face to face interviews and focus group discussions. Qualitative data was complemented with quantitative data collected through administering a structured questionnaire to workers at the end of the focus groups. Both

qualitative and quantitative data were supplemented by secondary data as required. Face to face interviews were used to understand the impacts of the COVID-19 pandemic and the pandemic response on informal apparel workers. Of these, in-depth and repeated interviews were carried out with two national trade unions that enjoy a significant presence in the apparel industry, two local civil society organisations headed by women labour rights activists based in K-EPZ, two representatives of apparel industry authorities, and one focus group discussion with an international trade union federation attended by four members. Additionally, 14 interviews were carried out with apparel workers, 12 of whom were women (mix of regular and informal workers). Due to the pandemic conditions most of the interviews were carried out via telephone and zoom. The focus group with the international trade union federation was carried out onsite. All interviews lasted between 20-40 minutes.

Two focus group discussions with informal workers were carried out in K-EPZ with the assistance of the Dabindu Collective. One focus group was attended by 10 workers, while the other was attended by 11 workers. The majority of the participants were women, with seven workers representing Tamil workers from the North-Eastern regions of the country. Participants were from a diverse age group ranging from the early 20s to the late 50s. The discussions at focus groups allowed for in-depth accounts of working conditions, managerial practices, production regimes, and overall social and economic wellbeing of workers during the pandemic and in the post-pandemic context to be examined. Because these insights emerged through a 'shared identity', to a certain degree – within limitations – I was able to validate this data as representative of informal apparel workers in general (Morgan 1996; Skop 2006). Additionally, a structured questionnaire was administered at the end of the discussion to all focus group participants, where I sat with each worker individually

to fill-up the questionnaire. This questionnaire took the form of a ‘mini-survey’ of workers to obtain mostly quantifiable, pre-pandemic and post-pandemic data on wages, working hours, and family income.

All interviews were based on informed consent and full disclosure of the objectives of the study. In line with answering the five research questions outlined above, data collection was structured around the following key elements:

- pre-pandemic and post-pandemic socio-economic status of informal apparel workers
- existing legal and social protection measures
- pre-pandemic and post-pandemic recruitment patterns of managers
- pre-pandemic and post-pandemic income levels of workers
- pandemic response of manufacturers and the state
- accessibility to health care during the pandemic
- accessibility to relief and recovery programmes in the pandemic context
- social relations and lived in spaces of workers in the pandemic context

Findings of this report are also informed by a half-day workshop held in Colombo in January 2022 to discuss apparel workers’ problems in the COVID-19 context. The workshop was organised by the Dabindu Collective and was attended by apparel workers, civil society organisations, trade unions, and media. Findings on the pre-pandemic conditions of informal work are further complemented by the data I collected during my doctoral studies from August to December 2018 in the Katunayake and Biyagama

EPZs. Furthermore, I have actively engaged with the working paper of the Dabindu Collective: “Living for the day: contract workers in Sri Lanka’s free trade zones” by B. Skanthakumar (2019) in constructing this report.

This study has three limitations. One, the sample size of 35 workers (interviews and focus groups combined) is too small to make generalisations. However, it allowed me to understand the underlying processes. Furthermore, given the repetitive nature of the information received, it was evident that the findings reported here are common occurrences, experienced by the majority of the workers. Two, the pandemic conditions, and the economic, political, and social challenges faced by the country between January-May 2022 meant it was difficult to access more participants and field sites. This in turn limited the variety and the size of the sample of this study. Three, the bulk of the analysis depends on the perspectives of workers and workers’ representatives. This study did not include employers or manpower agencies. However, to compensate for that, as mentioned above, I draw on the data collected for my PhD thesis. While the data did not yield post-pandemic knowledge, they still helped understand the employment conditions of informal work through the interview data of 16 garment factory managers, the majority of whom employed informal workers, and seven government officers in charge of labour-related matters in the industry.

4. Findings: informal work in the (post)pandemic context

In this section I discuss the findings of informal work in the post-pandemic context in the Sri Lankan apparel industry. It should be noted that as per the World Health Organisation, at the time of fieldwork and writing this report, the pandemic was not over (WHO 2022). For the purpose of this report however, ‘post-pandemic’ context is defined as the period between

the beginning of 2020 and mid-2022. At times, I alternatively refer to this period as the pandemic context. Findings are organised under seven sub-sections: (1) why informal work? (2) financial considerations; (3) regulatory gaps of informal work; (4) 'blurred lines' of employment; (5) informal workers as second-class citizens; (6) coping strategies of informal workers during the pandemic; and (7) informality and gender.

4.1 Why informal work?

Although the labour shortage perpetuated informal work, it was clear from the workers' interviews that a significant portion of workers engaged in informal work did so by choice, with the exception of a few.

First, workers preferred informal work over regular work because informal work gave them the opportunity to earn wages every day, instead of once a month. Workers found this useful especially when they needed money on a daily basis for their children's schooling and care responsibilities. As one worker said, "Daily wages are easy for us. We do not have to wait for a month to earn. When we were doing regular work, there were times that we went hungry, because we did not have cash to buy food. However, with informal work, we do not have to go hungry because we get money every day" (W3: March 2022). The daily wage of contract work (averaging between LKR1,000-1,500) was around 50-70% higher than the daily rates of formal workers, and was thus more attractive to some workers, although this did not include statutory benefits.

Second, with contract work, workers were in control of their own working time, as Skanthakumar (2019) also found. In any given day, if workers did not feel like working, they had the option of not going to work without being answerable to the management, and potentially facing punishments at the workplace that regular workers had to deal with. This was particularly

useful for workers who had care responsibilities such as small children and sick parents. As one participant quoted: “I do manpower work [contract work through manpower agencies] because I can take leave anytime. This is very helpful as we have babies... Lots of us with babies and married women do manpower work because of the freedom” (W4: March 2022). Earlier, some of these workers were employed as regular workers, but opted for informal work after giving birth. Two other participants said that they chose informal work because they were not able to get sick leave. “I have a back pain. Because I can’t take leave when I am sick, I go for manpower work” (W5: March 2022). In regular work, even though, the employment contract allows workers seven days sick leave and 14 days annual leave, workers said that the factories do not allow them to take such leave. According to the responses of both focus groups, if workers take sick or annual leave, they have to forgo all their allowances and attendance bonuses. Having noted that, the freedom to take leave indeed had limitations – a self-prescribed holiday was only practical as long as workers had cash or alternative sources of income to see them through the non-working days. Nevertheless, as Skanthakumar (2019) also pointed out, the choice of informal work is ingrained in the desire to have a greater control of their working lives and the need to avoid exploitative labour regimes with low pay, long working hours, and unfavourable managerial control mechanisms.

Third, while for many, informal work was the chosen mode of employment, others engaged in informal work for lack of choices. For some, it was the age discrimination in the garment industry, where younger workers were preferred. Older workers were asked to retire at the age of 50. This meant older workers found it difficult to get employed by the factories. Therefore, older workers, once retired at 50, joined the labour force as contract workers and relied on manpower agencies to find employment.

Since the late 2010s, some factories have allowed workers to remain until 60. In one case, one of the interview participants had just retired at the age of 50 when the factory changed its retirement age to 60. She then approached the management with the hope of getting her job back, but was unsuccessful. As she quoted: “I had to resign after 50. Only now do they let you work until 60. After they changed the retirement age to 60, I went to my old factory but they said they can’t take me back because this policy will only apply for the existing workers” (W1: March 2022). Another worker expressed the desire to join the regular labour force, but complained that she couldn’t, because she was older: “I want to go for regular work, but I am too old, as I am over 50. So I have to go for manpower work” (W2: March 2022). In another case, workers engaged in informal work because they did not have the official records required for formal employment by garment factories, such as the birth certificate.

The overall sentiments expressed by many of the participants were that informal work was chosen by them because it granted them the freedom to decide when to work, where to work, and when not to work, as well as a certain autonomy for their labouring bodies, which, in their view, was not available through formal work as was also found by Skanthakumar (2019). Informal workers did not have to stick to the rules and regulations of any single company but were able to define their own schedules of work. As a local civil society organisation revealed, some worked for a week, and took a rest for the next couple of days. All 21 workers in focus groups agreed that this flexibility was a significant advantage of informal work. While informal work gave flexibility and autonomy, the sector had its own inherent structural weaknesses, that were starkly visible during the pandemic. Of these, highlighted below are six notable findings that increased the precarity of informal work and exacerbated their vulnerabilities during the pandemic.

4.2 Financial considerations

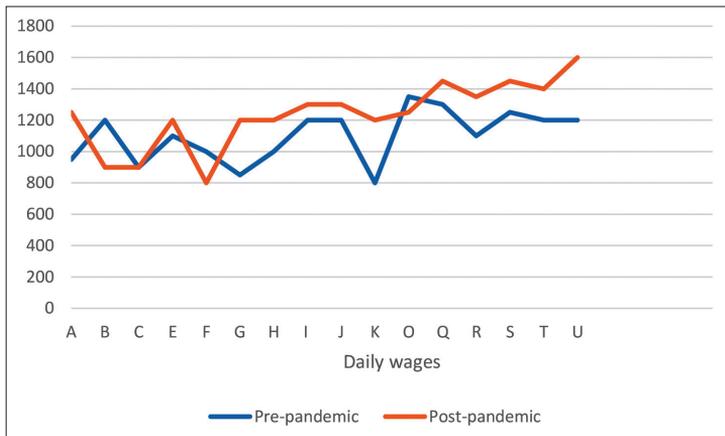
This sub-section presents quantitative data on the income levels of informal workers before and after the pandemic. To understand and compare the finances and quality of life of informal workers in the two contexts, I asked twelve structured questions from 21 focus group participants. The table below summarises the average responses for each question.

Table 1: Pre-pandemic and post-pandemic financial situation of informal workers

Question	Pre-pandemic	Post-pandemic
	Average (figures in LKR)	
Number of people in the family	3	
Number of people earning in the family	1.5	
Days of informal work per week	5 days	5 days
Wages per day	1,100.00	1,200.00
Average monthly income of the family	31,000.00	36,650.00
Average monthly expenditure of the family	22,600.00	30,000.00

While the average number of people in the family was three, of the 21 respondents, six participants came from a family of four. One participant had five members in the family. Only one participant lived alone, with others having two members in their families. Of the 21 participants questioned, nine participants were the sole income earners of their families while 11 respondents said their spouses also earned an income. In one participant's family, three members worked and earned. The average daily wage in the pre-pandemic context was LKR1,100 a finding consistent with Skanthakumar (2019) and Wickramasinghe (2020).

However, the individual wages were diverse, ranging from LKR800 to LKR1,300 (Figure 1, respondents are coded from A to U). All workers laboured for 9-10 hours to earn this amount. According to my participants, men earned a higher daily wage – between LKR1,200 - LKR1,300 – while women’s daily wages ranged from LKR800 - LKR1,000.



Note: Participants D, L, M, and N did not do informal work in the pre-pandemic context.

Figure 1: Pre-pandemic and post-pandemic daily wages

In the post-pandemic context, the average daily wage was LKR1,200. Here too, the individual wages varied from LKR800 - LKR1,700 (Figure 1 above). Again, daily wages of men were higher than the daily wages of women, where men earned as high as LKR1,300 - LKR1,700.

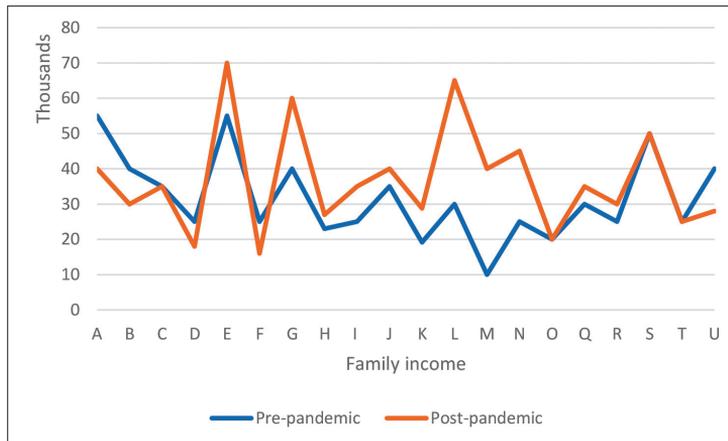


Figure 2: Pre-pandemic and post-pandemic family income

The daily wages in most cases have increased slightly in the post-pandemic context. Yet, out of the 21 participants, eight participants reported that their family income did not increase (Figure 2 above). Of these, the family income of four participants saw a sharp decline in the post-pandemic context. These were all female participants whose husbands – mostly working as handymen – lost their jobs during the pandemic.

All 21 participants complained of significant increases in the cost of living, where they were not able to maintain the same standards of living in the post-pandemic context (Figure 3 below). Figure 3 illustrates family spending patterns in the pre- and post-pandemic contexts for 11 participants from ‘H’. For this component, data is not available for participants ‘A’ – ‘G’. Still, this graph provides a good indication of how the cost of living has increased for workers in the post-pandemic context. None of the participants was able to save any money in either the pre-pandemic or post-pandemic context. In the pandemic context, seven participants said that they spent more than they earned, with some taking loans to cover additional expenses. It should be noted that post-pandemic data on family income do not apply to the periods of lockdowns (from early 2020 to mid-2021).

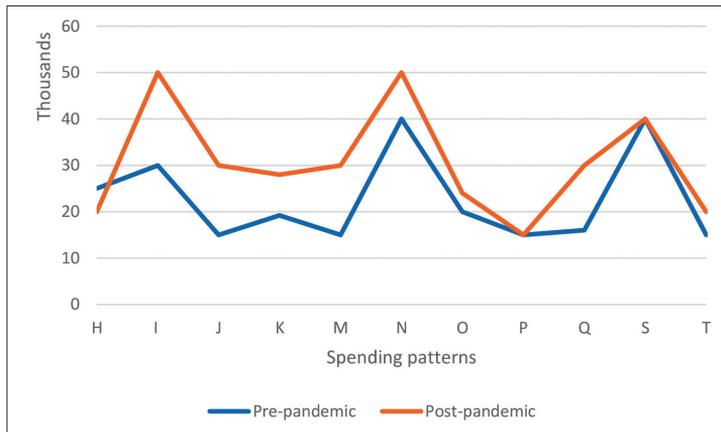


Figure 3: Pre-pandemic and post-pandemic family spending patterns

In understanding the pay and income levels of informal apparel workers in the pre- and post-pandemic contexts, it is important to remember that these data were generated just before the country was declared ‘bankrupt’ in April 2022, having defaulted its foreign debts. The two focus group discussions were conducted on 13 March 2022, just five days after the Sri Lankan government decided to float the US Dollar. As such, the drastic effects of the economic crisis did not have time to set in yet at the time of the fieldwork. It is highly likely that the spending levels have increased substantially – and most likely by 100% or more – at the time of writing this report. However, as confirmed by local civil society organisations, in response to these rising costs of living, daily wages of informal workers have not increased at the time of writing this report.

It was noted that these income patterns of informal work revealed several structural deficiencies of informal work. First, although the daily wages were generally perceived to be higher than that of regular workers, this was not the case. Informal workers did not earn statutory payments, such as the Employees’ Provident Fund (EPF) and the Employees’ Trust Fund

(ETF). They also did not earn monthly production incentives, attendance bonuses, and overtime payments. Moreover, informal workers did not have access to annual bonuses. While some factories provided free meals or subsidised meals for regular workers, informal workers claimed that they were not able to access these facilities. In most cases, this applied to factory-provided transport and on-site free medical care as well. It should be noted however that this fact was not verified by employers in this study. That being said, what this meant was that the total compensation package of informal workers was much lower than the compensation package of regular workers.

Second, informal workers were left vulnerable to job losses during the pandemic as they were not protected by any formal contract with the factories. This contrasted with the stringent severance laws applicable for regular workers that protected them from furlough and job losses during the pandemic. Absence of regulations also meant that the initiatives taken by the Tripartite Action Committee to ensure continued payment of salaries during lockdowns for apparel workers were not applicable for informal workers. This Committee was created during the initial lockdowns in early 2020 to manage the impacts of the pandemic and the pandemic response across industries. Third, and consequently, when the pandemic hit in early 2020, and in subsequent lockdowns, informal workers lost employment, as revealed by all respondents. They were the first to be 'let go' by factories, so they spent large periods without an income. It was only as the industry returned to some form of 'normality' in mid- to late 2021 that informal workers were able to find employment again.

Fourth, salaries of informal workers were not regulated. Different agents paid different rates. Workers had no choice but to accept the rates determined

by the agent. Many factors, such as inflation and cost of living – especially in the post-pandemic context – were not taken into consideration by manpower agents. Although the daily wages had increased slightly in the post-pandemic context, this did not correspond with the rising living costs. As Figure 3 illustrates, almost all respondents reported increased spending that did not correlate with the income in the post-pandemic context (Figure 2).

Fifth, workings hours of informal work were not regulated. In the post-pandemic context, this extended to 11 - 13 hours per day. This was a significant increase from the pre-pandemic context where most participants reported of working for nine hours. While regular workers clocked in overtime payment after nine hours, informal workers did not have this option. Regardless of the extra hours they worked, they only received the agreed amount at the end of the day. Workers reported that if they had to leave early – either for an illness, emergency, or a family matter – they lost the entire day's income.

Sixth, although in the pre-pandemic context informal work was chosen for the flexibility, this backfired for some workers in the post-pandemic context. These were the workers whose husbands – most of whom were daily wage earners, such as carpenters as per respondents – had regular, dependable incomes. Yet during the pandemic, workers reported that their husbands had difficulties finding work as was also found by Ruwanpura and the Women's Centre (2021). Thus, in the pandemic context, most informal workers became the sole income earners of their families. Informal work thus came with uncertainties and financial risks for these workers, which were amplified during the pandemic and in the post-pandemic context.

4.3 Regulatory gaps of informal work

Informal work is not exclusive to the Sri Lankan context, as evidenced from the well-documented accounts, suggesting that this is a common occurrence across the world (De Neve 2005, 2014; Bernstein 2007; Mezzadri 2010; Carswell and De Neve 2013; Pattenden 2016). When it comes to formal work, Sri Lanka has defined labour laws which impose minimum wages, maximum working hours, health and safety, and the provision of statutory benefits including EPF, ETF, gratuity, and pension. These laws ban child labour and establish the principles of equal remuneration of workers engaged in the same work. The Sri Lankan government and manufacturers are serious in their commitment to uphold these labour laws, which has earned Sri Lanka the reputation as an ethical sourcing destination for apparel in the world (Ruwanpura 2016; 2022). Compliance of these labour laws are regularly monitored by the Department of Labour. Yet, when it comes to informal work, there is limited legal protection, which is compounded by the failure of the Department of Labour to enforce the laws.

Informal workers, or as defined by the laws 'casual workers' are governed by the Wages Board Ordinance 1935 and are also protected by the Factories Ordinance and Industrial Disputes Act. Informal workers are entitled to EPF and ETF. Moreover, all manpower agencies are required to be registered with the Department of Labour (Skanthakumar 2019). This means, ideally, manpower agencies are also treated the same way other employers are treated by the Department of Labour, including routine inspections of compliance with labour standards. Furthermore, informal workers are protected by the Termination of Employment of Workmen Act if they have worked in an establishment with 15 or more employees for more than 180 days for a continuous period of 12 months.

There was however no evidence that the Department of Labour was enforcing and monitoring the compliance of these laws on informal work. This is so even though the Department of Labour was aware of the prevalence of informal work that operates behind legal frameworks. As per local civil society organisations and national trade unions, manpower agencies are rarely registered at the Department of Labour. The Sri Lankan state, while scrupulously guarding national level labour policies, effectively has turned a 'blind eye' to the informal labour in local spaces. The state, by its 'absence' was thus perpetuating informalisation in local labour markets as was also found elsewhere (Lee 1999; Pun and Smith 2007; Mezzadri 2010).

What this means is that in the Sri Lankan garment industry, the prevalence of informal work provides the regulatory gaps of the implementation of labour legislation, providing manpower agencies and manufacturers with space to operate behind regulatory frameworks. While the state might not have directly crafted this 'illegal' forms of accumulation, it has nevertheless contributed to its establishment and reproduction by facilitating the resilience of informal work in the local labour markets. Thus, the state has indeed indirectly redefined the conditions of informal labour in favour of capitalist accumulation. As Mezzadri (2010) also noted in the Indian garment sector, in highly localised and fragmented production cycles, the informality of employment relations allows manufacturers to circumvent labour laws, by decentralising labour discipline in various ways and effectively externalising labour costs, often borne by the workers themselves. This was evident in the position that both the Department of Labour and manufacturers consistently maintained: "Informal labour is necessary for profit purposes" (Wickramasinghe 2020: 221).

In addition to the state regulations, global ethical codes of lead firms usually provide protection for apparel workers with regards to minimum pay, working hours, health and safety, freedom of association, forced labour, equal treatment at work, and statutory benefits. These codes are derived from ILO Core Conventions and are supposed to protect all workers producing along the supply chains. Yet, as consistently found through research and in this study as well, just like state labour regulations have not extended to protect informal workers, lead firms' ethical codes are violated in the production floors by manufacturers (Hewamanne 2020; Wickramasinghe 2020; Ruwanpura 2022). The unscrupulous practices of informal work are often overlooked – even though both lead firms and their compliance auditors were aware of this practice. Thus, it is clear from the field accounts that both the state and lead firms were ignoring the problems of informal work. They do so because manpower agencies are playing a crucial role in supporting the industry when the industry is threatened by a labour shortage. Dealing with the problems and regulating informal labour would mean confronting the larger issue – the labour shortage – to which, the stakeholders do not seem to have a viable solution to offer. The failure to enforce state and private regulatory frameworks has thus provided space for unscrupulous manpower agencies to control how informal work is developed within the local context.

Consequences of this neglect were vividly visible during the pandemic. When the crisis unfolded in unprecedented scales, informal workers had little legal and institutional protection as I show in the rest of this report. This played a significant role in their ability to access benefits and concessions mostly available for formal workers during the pandemic. For example, as one of the protective measures to mitigate the impact on workers, the Tripartite Action Committee directed manufacturers to pay LKR14,500 or 50% of the last drawn gross salary of workers who were

furloughed during the lockdowns in 2020 and 2021. Yet, this payment was not available for informal workers who had no formal employment contract. Moreover, the Committee negotiated with manufacturers not to terminate any worker due to the pandemic. The informal apparel workers however were not covered by this agreement either. Consequently, informal workers were effectively laid off without any compensation by the factories as soon as the pandemic hit the industry. Having noted that, at the time of writing this report, there is no concrete data available as to what extent the full recommendations of the Committee related to payments and termination were followed by factories with regards to their formal workforce. The Asia Floor Wage Alliance for instance reported irregularities related to the formal employment as well (AFWA 2021). Still, the fact that informal workers were not covered by these recommendations meant a large segment of apparel workers went without an income for several months at times, and in some cases, over six months. As I explain in the next section, this plight of informal workers was compounded by the fact that there was no ‘employer’ to be held accountable for informal workers during the pandemic.

4.4 ‘Blurred lines’ of employment

As mentioned previously, informal workers are not formally employed by garment factories. Instead, factories have long-term contracts with manpower agencies to secure a steady supply of contract workers. Factories make a pre-agreed payment to manpower agencies, who, at the end of the working day, pay a daily wage to contract workers. In this system, ‘the employer’ remains ambiguous. Section 64 of the Wages Boards Ordinance No. 27 of 1941 defines the employer as “any person who on his own behalf employs or on whose behalf any other person employs, any worker in any trade, and includes any person who on

behalf of any other person employs any worker in any trade”. Section 48 of the Industrial Disputes Act No. 43 also defines the employer in a similar manner, with the definition further expanding to cover “a body of employers” whether a firm, company, corporation, or a trade union (Skanthakumar 2019, 54). Both these statutory provisions safeguard workers in multi-party employment relationships. This relates to informal work, where, in practice, workers are effectively controlled by two employers – which Theron (2005) called ‘triangular employment’. Yet, as the current study found, neither employer takes the legal responsibility for informal workers. The consequences of this set-up were manifested in various forms during the pandemic and in the pandemic response.

First, participants reported that when workers were transported from K-EPZ to their villages during the initial lockdown in early 2020, garment factories did not provide transport for informal workers. This was because factories were only responsible for regular workers, employed under a contract with them. It should however be noted here that all regular workers did not get transportation to the villages, as some factories did not provide this facility to their workers (AFWA 2021). As a result, informal workers were left stranded for months in K-EPZ without an income and means to travel to their villages. Second, informal workers were not able to access the healthcare facilities made available for regular workers by garment factories. These included PCR testing, vaccination, assistance with treatments once infected with COVID-19, and relief packages provided by factories during the recovery periods. Third, during the COVID-19 lockdown periods, apparel workers were issued with a mobility pass, as they were identified as essential service workers. The issue of these passes were facilitated by factories. Informal workers were not issued with this pass, so they were unable to go looking for work. It should be noted that during the height of the pandemic and lockdowns,

garment factories had little use for informal workers due to scaled down operations, thus, had no vested interest in the ability of informal workers to move around. Therefore, garment factories could afford to turn a blind eye to the needs of informal workers during this time.

As for manpower agencies, given the context of which agencies operated, three factors affected workers' ability to get support from these agencies. One, the majority of the informal workers were not attached to any single agency. They worked for several agents without a formal contract with any of them. For these agents, any obligation for daily hired workers ended once they were paid in the evening. Given the multiple agents that workers engaged with, it was difficult for workers or their representatives to identify and hold any single agent responsible for workers' well-being during the pandemic. Two, because most manpower agencies were not registered and operated behind the legal frameworks, they remained invisible. While trade unions were able to hold factories responsible for their formal workers through the mandate of the Tripartite Action Committee, this invisibility of manpower agencies meant, unions and regulatory bodies were not able to trace the 'employer' of informal workers. Three, given most manpower agents were small timers, they did not have the resources to help. They themselves had gone out of business as factories ceased operation or the production was scaled down during lockdowns. As a respondent said, "We asked for food from our agent, but the agent said he was also bankrupt" (W11: March 2022). There was one case where a well-established agency – Amaya Manpower Service – had sent care packages to their workers during the lockdown. This, however, was the exception.

4.5 Informal workers as second-class citizens

It was evident from the field that informal migrant workers were not able to access most relief packages and facilities made available for others in the local community. All respondents said that migrant workers were treated as “second-class citizens” or they were given “step-motherly treatment” during the pandemic. This was primarily due to the politics of who belonged or not to a particular Divisional Secretariat and Grama Seva Division (a village level administrative unit). Migrant workers were normally registered in their own villages in various parts of the country. Thus, they were not formally recognised as living within the Katunayake Grama Seva Division, even though they spent almost all their time in Katunayake. In the pandemic response, this worked against informal workers, who, to quote local civil society organisations, were left “stateless” (Civil Society/1: May 2021). This mistreatment manifested in two notable ways.

First, once infected with COVID-19, all recovering patients received a government sponsored care package. This parcel included dry rations and other necessities to sustain the recovering patient for a few weeks; however, this was denied to informal workers. It should be noted that this study has not verified if the care package was consistently administered and accessed by regular workers registered in the local Grama Seva Division. Incidentally, formal workers who were migrants were also denied this care package, but most were able to access care packages provided by their factories. Informal workers were left more vulnerable because there was no employer to support them. Secondly, the government granted LKR 5,000 to every family in 2021 as a form of relief in lieu of multiple lockdowns and economic hardships. As local civil society organisations confirmed, this benefit was available for all families

regardless of their financial situation and income, including boarding house owners in the area. However, this cash grant was not available for informal workers living in K-EPZ who struggled to find food and pay boarding fees (see also Dammalage 2021; Gunawardana and Padmasiri 2021). As a worker complained: “Every citizen in the voting list got 5000. Even rich people and boarding house owners also got the 5000. We, who did not have anything to eat, did not get it” (W9: March 2022). As another worker confirmed: “The 5000 was given twice. The first time it was given to everyone in the country. Second time, it was only given to Samurdhi recipients. But we did not get it. Our parents back in the villages do not have Samurdhi because we work in garment factories, so our parents did not get the 5000 either” (W10: March 2022). These accounts indicate a serious administrative gap in the way COVID-19 relief was administered and distributed.

This exclusion of informal workers went unnoticed by apparel industry authorities, manufacturers, and the state. While trade unions and local civil society organisations had raised this as an ongoing issue since the beginning of the pandemic, informal workers’ exclusion from state benefits continued to remain unresolved. This meant that informal workers were deprived of some of the most basic rights.

4.6 Coping strategies during the pandemic

The cumulative effect of these outcomes was that informal workers struggled to make ends meet during the pandemic. Attending to basic needs – such as buying food, paying boarding fees, and buying medicines – became a challenge. Going home to their villages was also not an option, even in the case of availability of public transport, as their village communities had asked them not to return in fear of them carrying

the virus back to the villages. Disturbingly, in most cases, workers had dependents, such as small children and elderly parents. In some cases, children lived with informal workers in their boarding houses. In order to survive and provide for people under their care during these times, many workers resorted to short-term tactics that I discuss below.

Informal workers took loans for high daily interest rates, such as 15% - 20% to meet their daily needs. During the pandemic, 11 microfinance agents had been soliciting clients in K-EPZ to capitalise on the financial difficulties faced by workers. Each loan required two guarantors; thus, three workers would team up to guarantee each other. In some cases, the daily interest they owed was as high as LKR700. When asked how they paid the interest when they did not have any income, participants said that loan agents were happy to wait until they started earning again. Workers whose only concern was their immediate survival did not have the foresight to think of the accumulated daily interest and how they were going to pay this interest later on. As participants confirmed, at the time of this study, they were still paying off the interest of the loans they borrowed a year ago. This put informal workers in a vicious cycle. For, once they started to earn, their daily wages were not enough to pay the arrears of the loans as well as spend on food and boarding fees (Dammalage 2021; Gunawardana and Padmasiri 2021). Thus, workers kept on either borrowing more money, or let the arrears of the loans accumulate.

A second tactic for survival was to turn to anyone who would give them money to buy food and pay boarding fees. As one participant quoted: “One day, my child and I did not have anything to eat, so we went hungry the whole day. I called the police, and they helped a bit to find food for us” (W8: March 2022). Most often, workers turned up at local civil society organisations in search of relief. As the Stand Up Movement quoted

during my research in May, 2021: “Just today this woman came with her child. She was carrying some mangoes and was searching for someone to sell the mangoes, so she could buy food for the child. My heart sank, but what could we do? There is also a limit to what we can do...” During the pandemic, both Dabindu Collective and Stand Up Movement ran food distribution drives, where they collected funds from individuals and organisations to prepare relief packages for informal workers stranded in K-EPZ. Often these relief packages consisted of several kilos of rice and dry rations, enough to last workers for few days. Such efforts, while helping a lot of workers in dire need, were nowhere near adequate to meet the needs of thousands of informal workers and their families stranded in Katunayake.

Other strategies included selling the meagre assets workers had. One worker said she ended up pawning all her gold jewellery, including earrings, so she could buy food. Several other workers said they bought groceries on credit from their local vendors. In some cases, informal workers’ parents had sent them money from the villages. There were also times regular, formal workers had financially helped informal workers so they could buy groceries. As per workers, their biggest expenditure was boarding fees which was around LKR5,000 per month. Workers struggled to find this amount of money in the months they were unemployed. Some landlords allowed them to stay on ‘credit’ on the promise that they would pay once they started work again. This was however not the case for all workers. For some workers, their landlords continued to harass them, although these workers were out of work. Two participants explained that when this happened, they started avoiding their landlords by staying out of the boarding house during the day. “There was a time when we used to leave our boarding houses and go and stay under a tree during the day to avoid our landlords... Otherwise, the landlords would bother us a lot” (W7: March 2022).

4.7 Informality and gender

In concluding this section, it is important to reflect on the gendered dynamics of informal work. While some of these points have already been discussed above, this short subsection gives visibility to the role gender played in increasing the vulnerabilities of informal work. First, women informal workers reported lower wages in comparison to their male peers both before and after the pandemic, indicating a gender gap in wages. While men were able to demand between LKR1,500 - LKR1,700 women workers' daily wages fell between LKR800 - LKR1,200 for the same type of work. Second, women workers were discriminated based on the age as discussed above. Once reaching the age of 50, women workers had to quit formal employment, and join the informal labour force, often, labouring for the same garment factory in which they previously had a formal job. Third, some women workers had joined the informal labour force because of the care responsibilities. These were the workers who recently gave birth, had young children to look after, or were taking care of sick and elderly relatives. As one worker quoted: "We were permanent workers in garment factories before, but now that we have babies, we left formal work" (W4: March 2022). This was possible, they revealed, because their husbands also earned. However, the added burden of care responsibilities meant women informal workers had to sacrifice their chances of remaining in the regular labour force.

Fourth, as confirmed by trade unions and civil society organisations, women informal workers were often forced to do sex work and were taken to massage parlours and brothel houses against their will by manpower agencies (see Sandya Hewamanne's work for more details on this practice). Over the decade of 2010, it has been increasingly common for women informal workers in K-EPZ to rotate between garment factories,

brothel houses, and massage parlours. As both the Dabindu Collective and Stand Up Movement revealed, over time, some do this willingly because it brings in ‘easy money’, while others continue to do it under duress and force. During the pandemic, the social stigma of ‘sex work’ attached to apparel workers – both formal and informal – (Hewamanne 2016; 2021a; Wickramasinghe 2020) worked against informal workers in finding work. When the second wave of the pandemic took off in the garment industry, apparel workers were accused of spreading the virus through their ‘immoral’ and promiscuous behaviours.

Fifth, during the pandemic, some women informal workers were left with the burden of earning and feeding the family. For example, as mentioned previously, before the pandemic, women were able to quit formal work and join informal work to gain advantage of the flexibility because their husbands had regular incomes. However, during the pandemic, the husbands – especially the daily wage earners working as carpenters and handymen – were unable to find work. This meant women became the sole breadwinners of their families. Given the scarcity of informal work during the pandemic, some of the workers turned to micro-finance agents for loans at high interest rates which later, workers struggled to pay back. Coupled with the frustrations of the loss of income, this in turn had led to domestic abuse. Women workers reported of getting scolded and beaten-up by their husbands, as in most cases, the loans were taken without the knowledge of the husbands. The gendered nature of informal work thus suggests a greater vulnerability of women informal workers in both pre-pandemic and post-pandemic contexts.

5. Suggested measures to mitigate the vulnerabilities of informal work

This section reflects on the actions needed to ensure that the basic labour rights of informal workers are protected and enforced in the apparel industry. It focuses more on pragmatic measures that can potentially capitalise on existing laws and regulations, rather than advocating for new laws and regulations. The aim is to: (a) mitigate the vulnerabilities of informal workers in times of crisis; (b) help regulate informal work in the local labour markets; and (c) devise effective mechanisms to address the issues of informal work both during normal times and during crises. While some of the actions and recommendations are based on existing laws, others are based on the expectations of informal workers themselves, trade unions, and civil society organisations. These suggested measures are summarised below, with more detailed actions indicated in Appendix A. In addition, this section also highlights key challenges to regulate informal work.

5.1 Suggested measures

Registration of manpower agencies: An important recommendation is that manpower agencies should be registered under the Department of Labour, the Board of Investment (BOI), or Registrar of Companies. Currently there is a requirement that manpower agencies do so; however, this mostly does not happen in practice. Thus, it is imperative that active measures are taken by manpower agencies as well as the authorities to formally register manpower agencies. Appendix A provides recommended actions for this.

Regulation of working conditions: A common complaint about informal work amongst respondents was that there is no standard pay or working

conditions in the industry. As noted previously, wages fluctuate between LKR800 - LKR1,700 with inequality of wages reported between men and women. Similarly, working hours fluctuate between 9 - 13 hours. The nature of the job varies from cleaner, helper etc., to machine operator, with alarming incidents of forced sex work reported. In this context, all respondents spoke of the need for pay and working conditions to be regulated. On this, the BOI Zonal Office can play an important role as they already have stipulations in place to govern pay and working conditions of informal work. Some of the realistic actions are highlighted in Appendix A.

Monitoring of compliance: A proper mechanism to monitor the compliance of these regulations is recommended. Given BOI requires enterprises (in this case garment factories) that engage manpower agencies to fulfil certain obligations, the BOI Zonal office can play a pivotal role in enforcing compliance of this requirement. If executed well, this has the potential to regulate contract work to a greater extent. This in turn will ensure basic rights of workers are secured. Having laws in the books are of little use if they are not implemented and enforced on the ground.

Registering migrant workers in Katunayake local administrative divisions: Local civil society organisations and trade unions voiced the strong need to establish a formal presence of migrant workers in the Katunayake local administrative divisions. They propose three actions (detailed in Appendix A): to register migrant workers in the Katunayake Grama Seva Division which would ensure workers being recognised as constituents of Katunayake; introduce postal votes in EPZs, so migrant workers whether informal or regular, can vote during elections; and or, install 25 ballot boxes in K-EPZ to represent all 25 districts. This way,

migrant workers can access the ballot boxes representing their respective villages and cast their votes. These points have already been raised with the Human Rights Commission and Electoral Commission by the Dabindu Collective.

5.2 Challenges to regulate informal work

Having noted these recommendations, it is important to acknowledge two notable challenges in regulating informal work.

One is the fluidity of employment relations in the informal sector that would make it difficult for regulatory bodies, i.e., the Department of Labour and BOI, and the garment factories to trace the compliance of laws by manpower agencies. Currently, in most cases: (a) workers rotate between different manpower agencies; and (b) manpower agencies themselves keep shifting workers between different factories. Regulating informal work would mean one worker having contracts with several manpower agencies, and manpower agencies having multiple employment contracts with the same worker based on the pay and working conditions of different factories. With this level of complexity, it would be time- and resource-consuming for manpower agencies and factories to keep track of each informal worker hired. This in turn would complicate the monitoring of compliance for the Department of Labour and BOI.

Two, regulating informal work with formal contracts is likely to affect the flexibility of employment that informal workers seek and value. With formal conditions of working hours, leave, overtime pay, and statutory payment, manpower agencies may impose unreasonable demands on the labour time of workers. This will likely lead to the inability of workers to choose when to work and when not to work, which is currently the main attraction of informal work.

Regulating informal work – which is an urgent need in the sector – thus requires careful consideration of the practicalities and needs of all stakeholders: workers, manpower agencies, and garment factories. A productive way forward would be to engage all three parties, and work together to find equitable solutions that protect the rights of informal workers but are also workable for agencies and garment factories.

6. Conclusion

This report aimed to give visibility to the precarious conditions of informal work with a view to explain how the COVID-19 pandemic has increased the vulnerabilities of informal workers in the Sri Lankan apparel industry. With qualitative research in the Katunayake Export Processing Zone, the study examined the informality in the post-pandemic context under four themes: income; regulatory gaps of informal work; employment arrangements; and the way informal workers' citizenships rights were eroded during the pandemic. In so doing the report illuminated that the state outsourcing its responsibility of providing livelihood security and labour rights to the private sector has resulted in certain invisibilities that have increased the vulnerabilities of informal workers, especially in times of crisis.

Having noted that, it is important to stress here that informal work is needed as an option for a segment of the labour force who seeks the flexibility, and the ability to decide when and when not to work. This is particularly important for women with care responsibilities. Informal work also supports and facilitates the volatilities of production cycles, where in certain seasons, garment factories require an additional labour force. This way, factories can hire temporary workers to meet their seasonal demands rather than having to meet higher expenditures of

maintaining an excessive permanent labour cadre throughout the year. Importantly, informal work helps alleviate the worst effects of the labour shortage, by providing a steady supply of contract labour. Thus, contrary to the opinions of stakeholders who remain divided on the need of informal work, this study supports the existence of informal work, as an important fixture of local labour markets. The report calls for regulating informal work in the sector in order to ensure decent working conditions for informal workers and protect their basic employment rights. Arguably, any regulatory mechanisms must take into account gendered insecurities given that women's income is closely intertwined with decision-making abilities, social status, and physical and emotional safety.

In conclusion, while administratively, it may not be possible to regulate informal work overnight, this report has identified incremental steps that can be taken with least bureaucratic red tape. These actions will provide relief for informal workers in areas that they struggle most, thereby reducing the vulnerabilities of informal work. First, the proposed measures will ensure that informal workers receive a fair wage, statutory payments, and employment security. Second, with increased regulatory measures garment factories will have a greater responsibility in hiring and maintaining informal workers. These measures are also likely to reduce undue financial benefits of hiring and maintaining informal workers for garment factories. This is likely to minimise over-reliance on informal work by garment factories, especially where they do so to avoid legal obligations and statutory pay. As the financial and administrative advantages of employing informal workers diminish, a route may open for informal workers who wish to be employed as regular workers to enter the formal labour force. Third, registering migrant workers in the Katunayake Grama Seva Division will ensure that migrant informal workers are able to access government assistance and relief programs in

times of crisis. Importantly, this will also allow them access to facilities restricted for constituents, such as entering their children to local schools. Regulating informal work or rather, ensuring that garment factories and manpower agencies comply with the existing regulations, will take minimum efforts at this juncture, given the already existing laws in the books. The results of these efforts will provide greater social protection and relief for informal workers who are currently labouring under extremely precarious conditions.

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Appendix A: Suggested measures to mitigate the vulnerabilities of informal work

This Appendix details the suggested measures for mitigating the vulnerabilities of informal work as described in Section 5 in the Report.

Recommendations	Actions	Responsibility
1. Registration of manpower agencies	1.1 To be registered under the Department of Labour (DOL), the Board of Investment (BOI), or the Registrar of Companies (ROC)	Manpower agencies
	1.2 Agencies to have a designated postal address	Manpower agencies
	1.3 Agencies to display the registration certificate in place of business	Manpower agencies
	1.4 Garment factories to engage with agencies that are formally registered	Factory
	1.5 Factories to retain a copy of the registration	Factory
	1.6 Create awareness among workers to deal only with registered manpower agencies	CSOs / Unions / factories
	1.7 Factories to maintain a file on informal workers they employ with terms of employment	Factory

<p>2. Regulation of informal working conditions (excerpt from Skanthakumar 2019, 20)</p>	2.1 Standardise daily wages across the Zone	DOL / BOI / BOI
	2.2 Standardise daily working hours	DOL / BOI / BOI
	2.3 Manpower agencies to undertake a written agreement with DOL and BOI to pay statutory dues (i.e., EPF/ETF)	Manpower agencies / DOL / BOI
	2.4 Manpower agencies and factories to pay overtime for informal workers	Manpower agencies / Factories
	2.5 Manpower agencies to maintain records of payments including statutory dues	Manpower agencies
	2.6 Every worker to be issued a play slip with details of wages and overtime	Manpower agencies
	2.7 Allow half-day leave for informal workers in case of emergencies	Manpower agency / Factory
	2.8 Provide an option for informal workers to choose the type of work they are willing to engage in	Manpower agency

3. Monitoring compliance	3.1 A copy of the registration certificate of manpower agencies to be submitted to the BOI Zonal office	Manpower agency / BOI Zonal office
	3.2 A copy of the written contract between the factory and manpower agency to be deposited at the BOI Zonal office	Manpower agency / Factory / BOI Zonal office
	3.3 Factories to carry out bi-annual audits on manpower agencies to ensure compliance of above requirements	Factories / Manpower agencies
	3.4 DOL to monitor manpower agencies and factories to ensure the compliance of regulations of informal work	DOL
	3.5 BOI Zonal office to monitor manpower agencies at least twice a year to ensure the compliance	BOI Zonal office
	3.6 Establish a dedicated helpline at DOL and BOI for informal workers	DOL / BOI

4. Registering migrant workers in Katunayake Grama Seva Division	4.1 Register migrant workers – both regular and contract – in the Grama Seva Divisions of EPZs.	BOI Zonal Office / CSOs / Unions / Local Government
	4.2 Introduce postal votes for garment factory workers so migrant workers can vote during elections without using their holidays to travel.	Electoral Commission / Local Government / CSOs / Unions / Local Government
	4.3 Alternative to 4.2 above: Install 25 ballot boxes in EPZs to represent 25 districts during elections.	Electoral Commission / Zonal Office / CSOs / Unions

Re-imagining Vulnerabilities: The COVID-19 Pandemic and Informalised Migrant Apparel Workers in Sri Lanka

Shyamain Wickramasingha

In March 2022, I sat with a group of informal women apparel workers in the Katunayake export processing zone. The worst effects of the pandemic were still settling in, and the country had just declared itself bankrupt, having defaulted its foreign debts. I could not help but worry about the fate of these women in these extremely turbulent times, who, to quote a colleague, were 'living for the day'. These women had hopes and dreams - to educate a child, to buy a land and build a decent house, to save enough to start their own little business so they don't have to worry about money, and so on. But today, all they wanted was to find something to eat for lunch, buy a milk packet for the child who had not had milk in months, or a couple of thousands of rupees so they could pay that long overdue arrears on their rents. These women sat depleted, exhausted, and hopeless.

This report tells the story of these women, women who are at the risk of being left behind in the crisis response. It gives visibility to informal labour from a gendered lens and illustrates how the socio-cultural norms, capitalist labour control strategies, and regulatory gaps have collectively conditioned the way women experience informal work in the Sri Lankan apparel industry.

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