

Multiplicity of Trade Unions: Issues & Challenges in Sri Lanka

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The history of trade unionism in Sri Lanka dates back to 1890s when the first formal organization of employees emerged. With the enactment of the Trade Unions Ordinance in 1935 employees got the opportunity to legally register their trade union. However, since then politicization and multiplicity have crippled the entire trade union movement. The author identifies the desire of the political parties to popularize their political agenda and the loopholes in the legal framework on trade unions as the two most significant causes for this situation. The evidence also proves that multiplicity is significant in the public sector than in the private sector. Multiplicity of trade unions also hampers the principle of collective bargaining as it reduces the trade union membership density.

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Introduction

Trade unions are a major component of the modern industrial relations system. A trade union is an organization tailored by workers to protect their interest, improve their working conditions etc (Monappa, 2007). Trade unions are voluntary associations of workers formed to promote and protect their interest through collective endeavor. As far as industrial relations is concerned, trade unions constitute an integral part of the relationship between employers and employees.

Employees constantly engage in bargaining with the employer for working conditions, fair wages, job security etc. for their members and also to defend them against any encroachment, injustice and exploitation by their employer (Taher, 1999). Trade unions were formulated by the employees for a number of reasons. Individual workers found that it was more advantageous to band together and seek to establish their terms and conditions of employment. They thought that if they bargain as individuals, employer would have a better leverage and thus an individual would not matter as much as a group in terms of the running of the en-

terprise. Employers also found it advantageous to deal with a group rather than handle disputes with each individual employee in the long run.

According to the Trade Unions Ordinance No 14 of 1935 of Sri Lanka, a trade union is an association or a combination of workmen or employers whether temporary or permanent and it may have at least the following objectives: regulation of relation between workmen and employers or between workmen and workmen or between employers and employers or imposing of restrictive conditions on the conduct of any trade or business, or representation of either workmen or employers in trade disputes or promotion or organization of financing of strikes or lockouts in any trade or industry or provision of pay or other benefits for its members during a strike or lockout.

Evolution of Trade Unions in Sri Lanka

The history of trade unionism in Sri Lanka dates back to 1890's. The plantation industry pioneered by the British in 1830s resulted in the emergence of the first group of blue collar working class in Sri Lanka. Disinclination of the indigenous workers to work in those plantations paved the way to the British rulers to bring thousands of Tamils from the southern parts of India. Even though they had to face severe problems such as lack of housing, poor wages, poor sanitary conditions etc they did not struggle against their masters because they were uneducated. As foreigners, their life was lim-

ited to plantation, rigid rules etc (Jayawardene, 1971).

But as a result of the pressure exerted by the Madras based Colonial Government of India, the Ceylon Colonial Government was compelled to introduce minimum labour standards to safeguard the rights of Tamil immigrant laborers. On the other hand in the light of the expansion of the plantation industry a number of other industries too emerged such as highway construction, railway transportation, banking, printing, postal service etc. The workers who were employed in these organizations were Sri Lankan indigenous workers and were subject to labor exploitation. During that time trade unions were taboo and strikes were treated as criminal offences under the Service Contract Ordinance.

The first person to introduce the idea of trade unions in Sri Lanka was A. E. Bultigens. The first formal strike action was launched by fifty employees of British owned H.W. Cave Company, the largest firm of printers and book sellers in Colombo on the grounds of delay in the payment of wages. On the 17th of September 1893, the strikers held a meeting and formed the "Ceylon Printers Society" the first trade union not only in Sri Lanka but also in South Asia.

In the year following the printers' agitation grew and strikes became a common feature of the urban working class and some middle class due to lack of proper education. The interconnection between political and religious upbringings was pivotal in triggering labor unrest which be-

came more explicit between 1906 and 1915. The strike of carters in 1906 was the first occasion when resistance to authority by a significant section of the working class met with success. The formation of Ceylon Labor Party in 1928 and the All Ceylon Trade Union Congress was successful attempts by labor leaders to gain independence and to strengthen the image of labor in politics. Immigrant Controllers Department was transformed into the Labor Department in 1931 and a separate minister was appointed by the government to look into labor related matters.

The Trade Unions Ordinance was introduced in 1935 and both employers and employees got the opportunity to legally register their trade unions. But according to the provisions of the ordinance the right to organize was limited to private sector. As a result the state sector employees protested heavily against this injustice.

Subsequently, the government was compelled to make necessary amendments to the Trade Unions Ordinance by Act No 15 of 1948. But even the amended act includes some restrictions for government officers such as judicial officers, members of the police and armed forces, prison officers and members of the agricultural corps as they were not permitted to form and join trade unions.

By this time, the politicization and multiplicity of trade union had established itself as one of the core characteristics of the employee unions in Sri Lanka. In 1945 there were 84 trade unions and in

1946 there were 114. By 1955, 310 trade unions were established. In 1972, the government of Sri Lanka ratified ILO convention No 98 on Right to Organize and Collective Bargaining and in 1995 convention No 87 on Freedom of Association. An employee's right to form and join a trade union is recognized by the superior law of the country. According to the Article 14(1) of the Constitution of Sri Lanka every citizen of Sri Lanka has the freedom of association and the freedom to form and join a trade union.

Multiplicity of Trade Unions

The term 'multi-unionism' is used to describe the situation in which workers are represented by more than one union for the purposes of collective bargaining (Gospel & Parmer, 1993). Multi-unionism cannot be defined precisely because descriptions of union structure are dependent upon the structure of collective bargaining. Employers might recognize a number of unions for the purposes of industry-wide collective bargaining, but if each employer or establishment recognized only one of these unions, then multi-unionism would not exist under a system of company or plant bargaining.

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Multi-unionism resulted in because individual unions evolved with no central body taking responsibility for their evo-

lution, and because no theory of design played any significant part in their development. The resulting union structure has been described as 'bizarre and chaotic' (Clegg, 1979: 174); it is still widely noted for its complexity and is considered a problem (Beaumont, 1990: 47; Brown 1981: 59; Gospel & Palmer, 1993: 137; Hughes, 1967: 25; Hyman, 1975: ch. 2; Jackson, 1991: 36; Salamon, 1992). It has long been argued that multi-unionism reduces the effectiveness of trade unions (Bell 1949; Hughes 1967), but more recent discussion has concentrated on the implications of multi-unionism for business competitiveness, with the belief that multi-unionism restrains productivity growth, while single unionism promotes flexibility and efficiency (Gennard, 1989; Metcalf 1988: 8; 1990: 290; 1993: 262; Metcalf et al. 1993; Machin et al. 1993; Oliver & Wilkinson, 1989; Reitsperger, 1986).

Multiplicity of unions is one of the main features and one of the great drawbacks in the industrial relations in Sri Lanka.

Multiplicity of unions is one of the main features and one of the great drawbacks in the industrial relations in Sri Lanka. The multiple unions are mainly the result of political outsiders wanting to establish unions of their own with a view to increasing their political influence (Rao, 1983). Politicization of trade unions resulting into multiplicity of trade unions in Sri Lanka creates a lot of problems in the industrial relations system as well as in the economic

development of the country. Several past research studies indicate that higher unionization rates have been associated with decreased profitability, slower growth and decreased investment in plant, equipment and research and development (Bronars et al, 1999; Hirsch, 1991). Maki & Meredith (1986) have found that unions have negative effect on productivity. Non-unionized workers' job satisfaction is more than unionized workers (Leigh, 1986). Even workers believe that multiplicity of trade unions leads to inter-union rivalries and other such problems (Palmer, 1997). Taher (1999) found that multiplicity of unions create a number of problems like intra-union and inter-union rivalries among trade unions, increase in political influence among trade unions, developing militant attitudes among the leaders as well as the tendency to avoid collective bargaining process offered by the employer.

Multiplicity of unions is a common feature of trade union movement in Sri Lanka. The history of multiplicity can be traced back to 1940's where unions were established based on various categories of workers on an industry wide or island wide basis. Political rivalry which leads to the organization of unions linked with the prevailing political parties is a commonly cited cause of proliferation of unions in single industry. In addition to their occupational status, language differences, leadership and even self interest were also determinants of proliferation and fragmentation (Wanniarachchie, 1983).

Table 1 Registration & Cancellation of Trade Unions during the Last Three Decades

Year	No of Registrations during the Year	No of Cancellations during the Year
1975	147	171
1979	105	223
1983	66	108
1987	77	120
1991	87	143
1995	243	110
1999	70	120
2001	147	155
2003	140	130
2004	172	55
2005	129	11
2006	113	48
2007	108	30
2008	99	20
2009	117	55
2010	107	106
2011	76	38

Source; Labor Statistics in Sri Lanka 2011.

Table 1 depicts the registration of trade unions during the last three decades (1975- 2011) both in the private and state sectors. From the pattern of registration of trade unions an up down trend could be observed. However, it can be stated that during the times of a general election the number of registered trade unions have gone up.

Furthermore, during the periods of leftwing governments the tendency for establishing trade unions had been more. In 1994 when Peoples Alliance Government came into power, approximately 428 trade unions were registered. The reason being that the Peoples Alliance consisted of many political parties and they were motivated to establish trade unions especially in government institutions.

Political rivalry which leads to the organization of unions associated with

competing political parties is a common cited cause of multiplicity of unions within a single industry (Kearney, 1971). There are certain government corporations where more than seven trade unions with conflicting political ideologies exist (Wanniarachchie, 1994). Almost every important organization in Sri Lanka is involved in partisan politics and organizations detached from party politics are very few with a localized membership, often representing employees of a single firm.

Professionals such as medical officers, engineers, administrative officers, clerical officers and others in combined or all island services could be members of a single union. But there is no such unions representing all the employees of a particular department even though such practice is accepted by the Trade Unions Ordinance itself.

Research Issue

In the light of the situation where trade unions multiply due to various agendas, it becomes imperative to see as to why it happens, the repercussions of it and how such a situation could be curtailed. Even though the research literature on multiplicity of trade unions is limited a few articles shed light into the prevailing situation on multiplicity. Political rivalry which leads to the organization of unions associated with competing political parties is a common cited cause of multiplicity of unions within a single industry (Kearney, 1971). There are certain government corporations where more than seven trade unions with conflicting political ideologies exist (Wanniarachchie, 1983). The repercussions of multiplicity are highly unfavorable as it creates an unfriendly industrial relations climate where the productivity and profitability will become victims of continuous agitations. Hence, the issue pertaining to this study is to find out the real reasons behind the multiplicity of trade unions in Sri Lanka and to recommend how such situations could be curtailed for the betterment of the organization and for the country in whole.

Objectives

To examine the nature of multiplicity of trade unionism in Sri Lanka:

The Trade Unions Ordinance provides comfort to establish trade unions with a minimum of 7 members. This has led to the establishment of tens and thousands of trade unions both in the

government and in the private sector in Sri Lanka. The composition and the field of interest these trade unions represent differ from each other. Hence it is a very complex scenario when it comes to examining the actual interest of these unions. Therefore, it is important to examine and see the nature of these unions, their membership and their interests.

1. To find out the reasons for the multiplicity of trade unions in Sri Lanka:

There could be a number of reasons for establishing a union ranging from a political ideology to personal interests. However, such interests have created a situation where there are so many groups striving for their own interests rather than the interest of the organization. Hence, we need to see the main causes that propel the establishment of trade unions.

2. To recommend the measures to be taken to curtail the formation of multiple unions in an organization:

As one understands having multiple unions in one organization is troublesome in many ways. Apart from frequent agitations it creates negative mindset among the workforce towards each other. Research has shown that it has a negative impact on the productivity and profitability of the organization (Kearney, 1971). Hence, the time has come for the researchers to engage in detail research on how this situation could be mitigated in order to create a better industrial relations climate within the organization.

Significance of the Study

As the agitations and the number of strikes are significant in Sri Lanka's industrial relations system it becomes imperative to analyze and see the repercussions of these strikes and the steps that could be taken to minimize such situations. The Labor Department of Sri Lanka supports evidence as to the lost man days due to strikes in the recent past. And these figures are alarming since it confirms the significance of the man days

lost and how grave this is for the economy of our country. Though some research are in place on multiplicity of trade unionism (Kearney, 1971; Wanniarachchie, 1983), we are still yet to find a solid research base for multiplicity of trade unionism. This is a topic which is especially relevant to Sri Lanka as we have so many trade unions in one given organization for so many purposes. Therefore, this particular study bridges the research gap on multiplicity of trade unionism in Sri Lankan context.

Table 2 No of Unions in Public & Private Sectors in 2010

No of Members	Public Sector		No of Members	Private Sector	
	No of Unions	Membership		No of Unions	Membership
Under 50	286	7,529	Under 50	23	536
50 – 250	303	36,208	50 – 250	50	6,319
250 - 1,000	128	60,588	250 – 1000	30	15,219
1000 – 5000	61	122,397	1000 – 5000	19	43,381
Over 5000	9	103,671	Over 5000	19	1,057,993
Total	747	330,393	Total	141	1,123,448

Source; Labor Statistics in Sri Lanka 2011

Multiplicity of unions is highly visible in public sector than private sector.

According to the data (Table 2) multiplicity of unions is highly visible in public sector than in private sector. The multiplicity of unions in Sri Lanka could be attributed to various reasons such as:

1. The simple procedure laid down in the Trade Unions Ordinance of Sri Lanka to form a trade union. The present requirement is just seven members to form a trade union.
2. The proliferation of small trade unions is visible in the public sector. The Trade Unions Ordinance was enacted in 1935, provided provisions only for the private sector employees to form and join trade unions. But as a result of the agitation taken by the public sector employees in 1948, the Trade Unions Ordinance was amended and provided opportunities for the state sector employees to form and join trade unions but under certain restrictions. While the private sector has no restrictions regarding the formation of trade unions by various categories of workers and dif-

ferent work places the government sector unions are restricted to have only different grade officers of one department or same grade officers from various departments in one union. Plurality of state sector unions is mainly due to the provision that a trade union be restricted to a single department or service or a single category of public servants. Prohibition of federate or affiliate in the case of public sector staff officers unions too encourages multiplicity of trade unions.

3. Until 1958, the acceptance of public sector trade unions was a function of the government treasury the requirement was that a trade union must consist of 40% of the total number of workers in the organization. However, in 1958 this requirement was changed and any union with more than seven members became eligible to represent its members (Administration Report of the Commissioner of Labor -1958). In the light of this change number of public sector unions increased from 182 in 1955 to 474 in 1959 (Labor Gazette).
4. According to the provisions contained in the Trade Unions Ordinance, 50% of the trade union officials could be outsiders in respect of unions in the private sector. As a result of this provision, political leaders are given an opportunity to join trade unions of workers to popularize their political ideas. As a result of this provision, trade unions became politicized and that is also another reason for multiplicity of trade unions. In the state sector trade unions, out of the total number of trade union officials two persons could be outsiders out of whom one could be either the president or the secretary of the trade union. This provision had also paved the way for political leaders to enter trade unions in the public sector organizations to work according to their political agenda.
5. Another reason for multiplicity of public sector unions was the introduction of Official Language Act of 1956. The existing trade unions tried to adopt a moderate course between the Sinhalese and Tamils. However, this was unsuccessful as Tamils being dissatisfied broke up and formed their own unions. In addition, as only seven members were sufficient to form a union, lead to the formation of unions which were intend on enjoining the fringe benefits conferred by the Bandaranaike Government such as railway warrants and duty leave to attend annual general meetings etc.
6. With the introduction of Provincial Councils, public servants who worked in the central government were given an opportunity to join provincial council service and they started to form their own trade unions. Thus more than 40 such trade unions have been registered during 1990's specially accommodating various services under different provincial councils.
7. Moreover the problem of dual membership is also due to multiplicity of trade unions. Some workmen espe-

cially in the plantation sector, state corporations and to some extent in private industrial sector belong to more than one union. Multiple membership has been explained as possibly resulting from the workers wish to please various union leaders who are persons of influence in the workplace. (Wanniarchchie, 1983).

Collective Bargaining

Collective bargaining is a dialogue between management and the employee representatives to regulate terms and conditions of employment (Gamage, 2005). ILO Convention No 98 justifies collective bargaining between the union and the employer. Collective agreement is one of the main outcomes of successful collective bargaining. Even though Sri Lanka accepted this particular ILO convention more than five decades back, collective bargaining as a method of regulating terms and conditions of employment is still unpopular and limited to large organizations with higher number of employees. Gamage (2005) which considered twenty four organizations with collective agreements revealed that more than 90% of the collective agreements formulated were by large organizations with more than 250 employees. Table 3 provides evidence as to the number of collective agreements formulated in the recent past.

Collective bargaining as a method of regulating terms and conditions of employment is still unpopular and limited to large organizations with higher number of employees.

Table 3 No of Collective Agreements Signed in the Recent Past

Time Period	No of Collective Agreements Formed
1970 – 1972	40
1972 – 1974	09
1974 – 1976	11
1976 – 1978	07
1978 – 1980	14
1980 – 1982	20
1982 – 1984	31
1984 – 1986	29
1986 – 1988	11
1988 – 1990	43
1990 – 1992	22
1992 – 1994	53
1994 – 1996	47
1996 – 1998	53
1998 – 2000	79
2000 – 2002	96
2002 – 2004	61
2004 – 2006	82
2006 – 2008	95
2009- 2010	108

The data provides sufficient evidence to the fluctuations in the formulation of collective agreements in Sri Lanka. An upward trend could be observed when governments with socialist orientation were appointed. One of the main reasons for the lackluster approach of collective bargaining is non-recognition of trade unions by the employers. Some employers do not like employees to form trade unions because they believe that unions lead to increased production cost, employee agitation and bad image of the organization among the general public (Gunatilake, 2000).

However, the trade unions representing employees pressurized the governments during the recent past decades to

make it mandatory for the employers to recognize unions as legal representatives of the working people. As a result, the government amended the Industrial Disputes Act in 1999 to urge the employers to accept the trade unions as the sole representative of the workers. According to the provisions of the amended Act of 1999, if any trade union membership consists of at least 40% of the total number of employees in the organization, the employer is obliged to accept the union as the representative of the employees of that organization. If the employer refuses to accept, he will be guilty of an offence and punishable with a fine not exceeding Rs.20000. There are two alternative methods of acceptance of a trade union. The first method is where the employer accepts a particular union that consists 40% of the workers. If the employer refuses to accept, then upon a request made by the trade union, the Commissioner of Labor is entitled to conduct a referendum to make sure such union membership consists of at least 40% of the entire workers.

However, multiplicity of unions has made workers in the same organization, members of different unions based on their political ideology, category of employment, language spoken etc. As a result trade union membership density becomes low in every trade union throughout the organization. Consequently none of the unions can compel the employer to accept them as the representative of the workers since their total membership is less than 40% of the total employees.

If any trade union in the organization represents the majority of the workers, they must be accepted by the management as the official representatives of the workers and also the union could compel the management to come to the bargaining table. Hence, there is a positive relationship between union density and bargaining power of employees (Wanniarachchie, 1983).

Collective bargaining as a method of regulating terms and conditions would be beneficial not only for the workers but also for the employer.

Collective bargaining as a method of regulating terms and conditions would be beneficial not only for the workers but also for the employer because, at the bargaining table, employer provides lot of facilities, privileges etc for the workers while in return the employer also can introduce difficult proposals which are beneficial to the employer. Conflicts between management and labor are a universal phenomenon in both the developing and in developed countries. Even in Sri Lanka, thousands of man hours are lost as a result of trade union action each year. This loss of valuable man hours is a tremendous blow for the Sri Lankan economy.

The man days lost due to strikes caused by various disagreements between the employees and the management (State) is of great significance. This can also be seen as a loss of the country's Gross National Production (GNP). Majority of these strikes have

Table 4 No of Strikes & Lost Man Hours in the Recent Past

Year	No of Strikes	No of Employees	Man Days Lost
1990	116	65,937	193,668
1991	130	63,762	109,078
1992	203	50,013	271,401
1993	43	7,880	21,396
1994	124	81,862	276,805
1995	183	63,373	293,519
1996	224	75,167	408,917
1997	156	57,632	325,477
1998	122	43,343	270,145
1999	125	42,346	304,246
2000	87	25,858	64,491
2001	91	42,344	69,997
2002	104	27,717	70,350
2003	98	42,561	87,172
2004	90	33,346	81,100
2005	57	53,565	158,352
2006	52	209,604	48,95,148
2007	25	7,547	39,237
2008	51 ⁴	37,931	65,655
2009	08	5,320	7,665
2010	15	5,108	25,071
2011	21	6,455	25,420

Source; Labor Statistics in Sri Lanka 2011,

occurred in the state sector organizations where multiplicity of trade unions is quite apparent. Therefore, what has ultimately happened due to these strikes is that the country has lost a significant economic output. Hence, it is high time for the government, employers and employees to understand the repercussions of their actions and come to terms in order to minimize agitations.

The following are some of the suggestions for the government, management and the workers to overcome multiplicity of unions.

1. *Amendments must be made to the Trade Unions Ordinance.* Trade Union Ordinance was enacted in

1935 and considered the requirements of that particular era. Some of the provisions in the ordinance paved the way for the multiplicity. According to the Ordinance, to form a trade union, membership requirement is only seven. This figure must be increased to avoid multiplicity of trade unions. There are some restrictions imposed on state officers in relation to formation of unions/ i.e they cannot federate or affiliate with other unions. This provision also must be amended by allowing state sector trade unions to federate or affiliate with other unions.

2. *Concept of one union for one organization.* The unions must understand the weakness of multiplicity.

They must develop an arrangement that supports not only one union in one company formula but also independence from any outside leadership. Unions must actively work to develop and support inside leadership.

3. *Communication* that takes place both downward and upward directions is also crucial. Communication between managers and employees is extremely important to inform and educate the staff so that the parties can arrive at a consensus in respect of any unclear areas. Upward problem solving is designed to tap into employee knowledge and aims to increase the stock of ideas in an organization to encourage co-operative relationships at work.
4. *Profit center mind set and performance based work culture.* It is important for unions to understand and accept the significance of business realities like profitability and productivity to be seen as a part of a package deal with the management.
5. *Employee participation.* Joint consultation, quality circles could be introduced by the management to hinder trade union recognition and, it is said, even to undermine their activities. Moreover the representative participation enables employees to take part through their representatives in management decision making.
6. *Education.* Through training programs employees must be given an understanding about drawbacks of

multiplicity. And they must be encouraged to join one union representing all the employees of the organization.

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