

STATE IMMUNITY AND THE RIGHTS OF LOCAL EMBASSY EMPLOYEES: A COMPARATIVE ANALYSIS WITH A FOCUS ON SRI LANKA

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ABSTRACT

This paper explores the complex intersection between state immunity and the rights of local embassy employees in Sri Lanka, focusing on the legal challenges faced by individuals employed by foreign diplomatic missions in cases of unfair dismissal or labour rights violations. Although Sri Lanka adheres to the doctrine of state immunity, its lack of specific domestic legislation has left embassy employees with limited legal recourse. Through a comparative analysis of the UK and US models—where employment contracts are increasingly treated as exceptions to sovereign immunity—this study critically evaluates Sri Lanka’s current approach, particularly in light of the Supreme Court’s decision in *British High Commission v. Ricardo Wilhelm Michael Jansen*, which upheld immunity even in an employment context. The research identifies key gaps in Sri Lankan labour and constitutional law and proposes the adoption of a rights-based statutory framework that aligns with international human rights standards. Drawing on the constitutional values of sovereignty and justice, it recommends tailored legislative reforms that would permit judicial review of employment disputes involving foreign missions where the work is not inherently sovereign. Such a reform would enhance access to justice, affirm Sri Lanka’s commitment to fundamental rights, and ensure consistency with emerging global jurisprudence.

Keywords - State Immunity, Domestic Jurisdiction, Labour Law

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