

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**WORKMEN’S COMPENSATION (AMENDMENT)**  **ACT, No. 10 OF 2022**

**[Certified on 19th of March, 2022]**

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| *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* | 1 |

[Certified on 19th of March, 2022]

L.D.—O. 62/2018

AN ACTTOAMENDTHE WORKMEN’S COMPENSATION ORDINANCE   
(CHAPTER 139)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| **1.** This Act may be cited as the Workmen’s Compensation (Amendment) Act, No. 10 of 2022.  **2.** The long title to the Workmen’s Compensation Ordinance (Chapter 139) (hereinafter in this Act referred to as the “principal enactment”) is hereby amended by the substitution, for the words “who are injured in the course of their employment.” of the words “who are injured in the course of their employment or while coming from their place of residence to the work place or while returing back to their place of residence from the work place.”.  **3.** Section 2 of the principal enactment is hereby amended by the insertion immediately after the definition of the expression “partial disablement” of the following definition:– | Short title  Amendment of the long title of Chapter 139  Amendment of section 2 of the principal  enactment |

““place of residence” includes any permanent place of residence of a workman or a boarding house or any other place where a workman resides temporarily for the purpose of coming to his workplace;”.

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| **4.** Section 3 of the principal enactment is hereby amended by the substitution for the words “in the course of his employment,” of the words “in the course of his employment or by an accident took place while coming from his place of residence to the work place or while returning back to his place of residence from the work place,”. | Amendment of section 3 of the principal  enactment |

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| Amendment of section 4 of the principal  enactment  Amendment of section 5 of the principal  enactment  Insertion of  section 6A in the principal  enactment  Amendment of section 7 of the principal  enactment | 2 | *Workmen’s Compensation (Amendment)* | |
| *Act, No. 10 of 2022*  **5.** Section 4 of the principal enactment is hereby amended by the substitution for the words “in the course of his employment.” of the words “in the course of his employment or while coming from his place of residence to the work place or while returning back to his place of residence from the work place.”.  **6.** Section 5 of the principal enactment is hereby amended by the substitution for the words “in the course of his employment,” of the words “in the course of his employment or by an accident took place while coming from his place of residence to the work place, or while returning back to his place of residence from the work place.”.  **7.** The following new section is hereby inserted immediately after section 6 of the principal enactment and shall have effect as section 6A of that enactment:– | | |
| “The nature of  employment to be taken | | 6A. Notwithstanding anything contained in section 6, in the case of permanent or partial disablement, the nature of employment of a |
| into  consideration in calculating the amount  of  compensation | | workman in relation to any injury shall be taken into consideration in calculating the amount of compensation. Such compensation shall be based on the medical report issued by the relevant doctor.”. |
| **8.** Section 7 of the principal enactment is hereby amended in subsection (1) of that section by the insertion immediately after paragraph (*c*) thereof of the following paragraph:– | | |

“(*d*) in the case of a daily paid or piece rated workman, the monthly wages of scuh workman shall be the aggregate of earnings of daily payments or piece rates for the last twelve months during which such

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| *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* | 3 |

workman has been in service immediately   
preceding the accident, divided by twelve and   
again divided by twenty five.”.

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| **9.** Section 11 of the principal enactment is hereby amended in the proviso to subsection (1), by the substitution for the words “not exceeding an aggregate of ten thousand | Amendment of  section 11 of the principal  enactment |

rupees,” of the words “not exceeding an aggregate of twenty thousand rupees,”.

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| **10.** Section 12 of the principal enactment is hereby amended by the repeal of subsection (1) and the substitution therefor of the following:– | Amendment of  section 12 of the principal  enactment |

“(1) On the deposit of any money under section 11 as compensation in respect of a deceased workman, the Commissioner shall deduct therefrom the actual cost of the workman’s funeral expenses to an amount not exceeding one hundred thousand rupees and pay the same to the person by whom such expenses were incurred.

(1A) The Commissioner shall cause a notice to be served on each dependent of the deceased resident in Sri Lanka, requesting such dependents to appear before him on such date as he may fix, to determine the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependent exists, he shall repay the balance of the money to the employer by whom it was paid, but no such repayment shall be made until after the expiry of a period of twelve months reckoned from the date on which the money was deposited under section 11. The Commissioner shall on application by the employer, furnish a settlement of all disbursements made.”.

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| Amendment of section 16 of  the principal  enactment  Amendment of  section 18 of the principal  enactment | 4 | *Workmen’s Compensation (Amendment)* |
| *Act, No. 10 of 2022*  **11.** Secution 16 of the principal enactment is hereby amended in subsection (1), by the substitution for the words“within two years of the occurrence of the accident” of the words “within two years of the occurrence of the accident or in case of death, within two years from the date of death.”.  **12.** Section 18 of the principal enactment is hereby amended as follows:–  (1) in subsection (2) thereof, by the substitution for the words “fine not exceeding five hundred rupees.” of the words “fine not exceeding one hundred thousand rupees.”; | |

(2) immediately after subsection (2), by the insertion   
 of the following:–

“(3) Every employer shall maintain, in   
addition to the notice book specified in   
subsection (1), a record book, in which information   
and details of any accident at any factory or work   
place is included. The employer shall also appoint   
a responsible person to be in charge of such record   
book. The Commissioner shall have access to such   
record book and call for extracts or copies thereof   
for inspection.”.

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| Amendment of  section 20 of the principal  enactment | **13.** Section 20 of the principal enactment is hereby amended as follows:–  (1) in subsection (1) thereof by the substitution for the words “in the course of his employment,” of the words “in the course of his employment or while coming from his place of residence to the work place or while returning back to his place of residence from the work place,”; |

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| *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* | 5 |

(2) immediately after subsection (4) thereof, by the   
 insertion of the following:–

“(5) The Commissioner may determine   
a sum which is not more than fifty thousand   
rupees payable by the employer as funeral   
expenditure of the deceased workman. Such   
sum shall be in addition to the   
compensation payable by the employer and   
be deposited with the Commissioner or the   
next of kin of such workman, by the relevant   
employer.”.

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| **14.** Section 23A of the principal enactment is hereby repealed and the following new section is substituted thererfor:– | | Replacement of section 23A of the principal  enactment |
| “Imposition  of surcharge on employer for failure to pay  compensation on due date | 23A. Any employer who, being liable to pay any sum due as compensation to a workman or his heirs, as the case may be, under this Act, fails or defaults to pay that sum, on or before the due date, he shall be liable to pay to that workman or his heirs, as the case amy be, in addition to the sum due as compensation, a surcharge on that sum calculated in the following manner:– |

(*a*) where the payment of the compensation   
has been in arrears for a period not   
exceeding one month from the due date,   
a surcharge of ten *per centum* of the   
sum due as compensation;

(*b*) where the payment of the compensation   
has been in arrears for a period   
exceeding one month but not   
exceeding three months from the due   
date, a surcharge of fifteen *per centum*   
of the sum due as compensation;

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| 6 | *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* |

(*c*) where the payment of the compensation   
has been in arrears for a period   
exceeding three months but not   
exceeding six months from the due   
date, a surcharge of twenty *per centum*   
of the sum due as compensation;

(*d*) where the payment of the compensation   
 has been in arrears for a period   
 exceeding six months but not   
 exceeding twelve months from the due   
 date, a surcharge of twenty-five *per*   
 *centum*  of the sum due as   
 compensation; or

(*e*) where the payment of the compensation   
has been in arrears for a period   
exceeding twelve months from the due   
date, a surcharge of thirty *per centum*   
of the sum due as compensation.”.

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| Insertion of  section 27A  in the  principal  enactment  Amendment  of section 41  of the  principal  enactment | **15.** The following new section is hereby inserted immediately after section 27 of the principal enactment and shall have effect as section 27A of that enactment:– | |
| “Appointment of a Registrar | 27A. There shall be appointed by the Judicial Service Commission, a Registrar of Workmen’s Compensation for the purpose of this Act.”. |
| **16.** Section 41 of the principal enactment is hereby amended by the repeal of subsection (2) and the substitution therefor of the following:–  “(2) If any sum referred to in subsection (1) cannot be recovered in the manner specified in that subsection, the Commissioner may make an order for the recovery of such sum by the seizure or sale of immovable property of the defaulter. The registrar of workmen’s compensation, appointed under section 27A, shall execute such order through the registrar of the relevant Disrtict Court within whose jurisdiction such defaulter resides. The provisions | |

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of the Civil Procedure Code (Chapter 101) relating to the seizure and sale of immovable property by the Fiscal in the execution of a Writ issued by a court and to the making and adjudication of claims in respect of immovable property seized by the Fiscal shall apply to the seizure and sale of immovable property for the recovery of the sum specified in the Commissioner’s order, made by the Commissioner under this subsection and to the making and adjudication of claims in respect of immovable property seized for the recovery of such sum. For the purpose of application of such provisions the sum so specified shall be deemed to be due on a decree entered by the court and the Commissioner shall be deemed to be the judgment-creditor and the person liable to pay such sum shall be deemed to be a judgment-debtor.”.

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| **17.** Section 44 of the principal enactment is hereby amended by the substitution for the words “fraud or undue influence or other improper means,” of the words “fraud, undue influence or other improper means, or due to the miscalculation or underestimation of the amount of compensation payable to the workman under the memorandum of agreement,”.  **18.** Section 45 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words “to a fine not exceeding one thousand rupees.” of the words “to a fine not exceeding one hundred thousand rupees.”.  **19.** Section 46 of the principal enactment is hereby amended by the substitution for the words “to a fine not exceeding one hundred rupees.” of the words “to a fine not exceeding one hundred thousand rupees.”. | Amendment of  section 44 of the principal  enactment  Amendment of  section 45 of the principal  enactment  Amendment of  section 46 of the principal  enactment |

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| Amendment of section 49 of  the principal  enactment | 8 | *Workmen’s Compensation (Amendment)* |
| *Act, No. 10 of 2022*   **20.** Section 49 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “value of one hundred rupees” of the words “value | |

of two thousand rupees”.

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| Amendment of section 52 of  the principal  enactment | **21.** Section 52 of the principal enactment is hereby amended by the substitution for the words “The Court of Appeal”, of the words and figures “The High Court |

established under Article 154P of the Constitution”.

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| Amendment of section 53 of  the principal  enactment | **22.** Section 53 of the principal enactment is hereby amended by the substitution, for the words “by the Court of Appeal”, of the words and figures “by the High Court |

established under Article 154P of the Constitution”.

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| Amendment of  section 57 of the principal  enactment | **23.** Section 57 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for the words “in the course of his employment,” of the words |

“in the course of his employment or by an accident took

place while coming from his place of residence to the work place or while returning back to his place of residence from

the work place.”.

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| Amendment of  section 59 of the principal  enactment | **24.** Section 59 of the principal enactment is hereby amended by the substitution for the words “in the course of the employment,” of the words “in the course of his |

employment or by an accident took place while coming

from his place of residence to the work place or while returning back to his place of residence from the work place, ”.

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| *Workmen’s Compensation (Amendment)* | 9 | Amendment of section 60A of the principal  enactment  Replacement of Schedule I of  the principal  enactment |
| *Act, No. 10 of 2022*  **25.** Section 60A of the principal enactment is hereby amended by the substitution for the words “in the course of the employment,” of the words “in the course of the employment or by an accident took place while coming from his place of residence to the work place or while returning back to his place of residence from the work place,”.  **26.** Schedule I of the principal enactment is hereby repealed and the following Schedule substituted therefor:–   |  |  | | --- | --- | | “Schedule I | (section 2) | | |

List of injuiries deemed to result in permanent/partial disablement

*Injury*  *Percentage of loss*   
 *of earning*   
 *capacity*

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| Permanent and incurable paralysis of the  limbs or injuries resulting in being permanently bedridden  Permanent incurable loss of mental  capacity resulting in fatal incapacity to work or any other injury causing fatal incapacity to work | 100  100 |

Eye Injuries   
 (i) Total loss of sight in both eyes 100   
 (ii) Total loss of sight in one eye 80   
Hearing Injuries   
 (i) Total loss of hearing 80   
 (ii) Total loss of hearing in one ear 50

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| 10 | *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* |

Loss of Speech

(i) Total loss of speech 100

Sensory Loss

(i) Total loss of sense of smell and taste 60

(ii) Total loss of sense of smell 60

(iii) Total loss of sense of taste 60

Arm Injuries

(i) Loss of arm at or above elbow 85

(ii) Loss of arm at or below elbow 80

Hand Injuries

|  |  |
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| (i) Loss of both hands  (ii) Loss of hand or loss of thumb and four fingers  (iii) Loss of thumb (both phalanges)  (iv) Loss of thumb (one phalanx)  (v) Loss of four fingers | 100  80  50  40  80 |

Loss of Index finger

(i) Three phalanges 50

(ii) Two phalanges 40

(ii) One phalanx 20

Loss of middle, ring and little fingers

(i) Three phalanges 30

(ii) Two phalanges 20

(ii) One phalanx 15

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Loss of Leg   
 (i) at or above knee 90   
 (ii) at or below knee 80   
Foot Injuries   
 (i) Loss of both feet 100   
 (ii) Loss of one foot 90   
Loss of Toes   
 (i) Great toe-both phalanges 40   
 (ii) Great toe-one phalanx 20   
 (iii) Other than great toe, if more than   
 one lost, each 20   
Miscellaneous   
 (i) Total loss of genitals 75   
 (ii) Partial loss of genital 60   
 (iii) Severe facial scarring or disfigurement   
 90 (iv) Severe bodily disfigurement, other than   
 facial scarring or disfigurement to   
 a maximum of 60   
 (v) Loss of single tooth 10   
 (vi) Loss of any member or part thereof not   
 mentioned above (e.g. nose, breast, ear etc.)   
 to be assessed by a medical officer up to   
 a maximum of 60.”.

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| Replacement of Schedule IV of the principal  enactment | 12 | *Workmen’s Compensation (Amendment)* | |
| *Act, No. 10 of 2022*   **27.** Schedule IV of the principal enactment is hereby repealed and the following Schedule substituted therefor:– | | |
| “Schedule IV | | (Section 6) |

Amount of Compensation Payable

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| |  |  |  |  |  | | --- | --- | --- | --- | --- | | *Monthly wages of the workman injured* | | *Death of workman* | *Permanent*  *disablement of workman* | *Half monthly compensation for temporary disablement*  *of workman* | | *Rs.* | *Rs.* | *Rs.* | *Rs.* | *Rs*. | | 0 | 10,000 | 1,140,000 | 1,200,000 | 5,000 | | 10,001 | 12,500 | 1,180,000 | 1,240,000 | 5,625 | | 12,501 | 15,000 | 1,220,000 | 1,280,000 | 6,875 | | 15,001 | 17,500 | 1,260,000 | 1,320,000 | 8,125 | | 17,501 | 20,000 | 1,300,000 | 1,360,000 | 9,375 | | 20,001 | 22,500 | 1,340,000 | 1,400,000 | 10,625 | | 22,501 | 25,000 | 1,380,000 | 1,440,000 | 11,875 | | 25,001 | 27,500 | 1,420,000 | 1,480,000 | 13,125 | | 27,501 | 30,000 | 1,460,000 | 1,520,000 | 14,375 | | 30,001 | 35,000 | 1,510,000 | 1,570,000 | 16,250 | | 35,001 | 40,000 | 1,560,000 | 1,630,000 | 18,750 | | 40,001 | 45,000 | 1,610,000 | 1,680,000 | 21,250 | | 45,001 | 50,000 | 1,660,000 | 1,730,000 | 23,750 | | 50,001 | 55,000 | 1,710,000 | 1,780,000 | 26,250 | | 55,001 | 60,000 | 1,760,000 | 1,830,000 | 28,750 | | 60,001 | 70,000 | 1,820,000 | 1,890,000 | 32,500 | | 70,001 | 80,000 | 1,880,000 | 1,960,000 | 37,500 | | 80,001 | 90,000 | 1,940,000 | 2,000,000 | 42,500 | | 90,001 | 100,000 | 2,000,000 | 2,000,000 | 47,500 | | 100,000 | and above | 2,000,000 | 2,000,000 | 47,500 | | .”. |

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| *Workmen’s Compensation (Amendment)* | 13 | Sinhala text to  prevail in case  of inconsistency |
| *Act, No. 10 of 2022*   **28.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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| 14 | *Workmen’s Compensation (Amendment) Act, No. 10 of 2022* |

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