

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

**TERMINATION OF EMPLOYMENT OF WORKMEN (SPECIAL PROVISIONS) (AMENDMENT)**   
**ACT, No. 23 OF 2022**

**[Certified on 16th of September, 2022]**

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| *Termination of Employment of Workmen* | 1 |

[Certified on 16th of September, 2022]

L.D.—O. 24/2021

AN ACTTOAMENDTHE TERMINATIONOF EMPLOYMENTOF WORKMEN (SPECIAL PROVISIONS) ACT, NO. 45 OF 1971

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 Termination of | Short title |

Employment of Workmen (Special Provisions) (Amendment) Act, No. 23 of 2022.

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| **2.** | Section 2 of the Termination of Employment of | Amendment of section 2 of Act, No. 45 of 1971 |
| Workmen (Special Provisions) Act, No. 45 of 1971 (hereinafter referred to as the “principal enactment”) is hereby | |

amended as follows:—

(1) in subsection (3) thereof, by the substitution for   
 the words “fine not exceeding one thousand   
 rupees” of the words “fine not exceeding twenty   
 thousand rupees”;

(2) by the insertion immediately after subsection (3)   
 thereof, of the following:–

“(3A) (1) Where an employer is convicted of an   
offence under subsection (3), such employer shall   
be liable, if he continuously fails to comply with   
the decision made by the Commissioner-General   
under subsection (2), to pay the workman, in   
addition to any fine imposed under subsection (3),   
an additional fine of five hundred rupees for each   
day on which the noncompliance is continued after   
the conviction.

(2) Where any employer fails to pay any sum   
payable to a workman under paragraph (*e*) of   
subsection (2), such amount may be recovered by

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an order of a Magistrate’s Court by which the   
employer was convicted as if it were a fine imposed   
on him by that court, and the amount recovered   
shall be paid to the workman.”.

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| Amendment of section 8 of the principal  enactment | **3.** | Section 8 of the principal enactment is hereby |
| amended in paragraph (*a*) of subsection (1) thereof, by the substitution for the words “a fine of fifty rupees” of the words | |

“a fine of five hundred rupees”.

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| Insertion of new sections 10A and 10B in the  principal | **4.** | The following new sections are hereby inserted |
| immediately after section 10 of the principal enactment and shall have effect as sections 10A and 10B of that enactment:— | |

enactment

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| “Employer to  furnish a  security in  respect of an  application to  the High  Court | 10A. (1) Where an employer is dissatisfied with an order of the Magistrate’s Court, such employer may make an application in revision by a written petition, against that order to the High Court established under Article 154P of the Constitution, to the Province within which |

such Magistrate’s Court is situated.

(2) Every employer who makes an   
application under subsection (1) shall furnish   
to such Magistrate’s Court, a security in cash   
where the order which is the subject of such   
application directs the payment of a sum of   
money to the workman, of an amount equal to   
such sum.

(3) Every application made under   
subsection (1) shall be supported by a   
certificate under the hand of the Registrar of   
the relevant Magistrate’s Court, to the effect   
that the security as specified in subsection (2)   
has been duly furnished by such employer.

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(4) The Registrar of the Magistrate’s Court   
shall cause all such sum of money furnished as   
security under subsection (2), to be sent to the   
Commissioner General to deposit in an account   
bearing interest, maintained by the   
Commissioner General, in any approved bank   
in Sri Lanka.

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| Employer to furnish a  security in  respect of an application to the Court of  Appeal | 10B. (1) Where an employer is dissatisfied with an order made by Commissioner-General under section 6 or 6A, such employer may make an application to the Court of Appeal against such order for the issue of an order in the nature of a writ. |

(2) Every employer who makes an   
application under subsection (1) for the issue   
of an order in the nature of a writ shall furnish   
to the Court of Appeal, a security in cash, where   
the order which is the subject of such   
application directs–

(*a*) both the payment of a sum of money as   
compensation and the reinstatment, of   
an amount of money, as salary or wages   
which is to be calculated from the date   
of such order to the date on which such   
workman shall be reinstated, and an   
amount of twelve times the monthly   
salary or wages of such workman for   
the reinstatement; and

(*b*) only the payment of a sum of money to   
the workman as compensation, of an   
amount equal to such sum.

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(3) Every application for the issue of an   
order in the nature of a writ, made under   
subsection (1) shall be supported by a   
certificate under the hand of the Commissioner-  
General to the effect that the security as   
specified in subsection (2) has been duly   
furnished by such employer.

(4) The Commissioner-General shall cause   
to be deposited the sum as specified in   
subsection (2), in an account bearing interest,   
maintained by the Commissioner-General, in   
any approved bank in Sri Lanka.

(5) The Commissioner-General shall refund   
the sum furnished under subsection (2) together   
with the interest on such sum to the relevant   
party in terms of the final determination of the   
application to the Court of Appeal or the   
Superme Court, as the case may be.”.

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| Amendment of  section 14 of the principal  enactment  Sinhala text to  prevail in case  of inconsistency | **5.** | Section 14 of the principal enactment is hereby |
| amended by the substitution for the words “fine not exceeding one thousand rupees” of the words “fine not exceeding twenty thousand rupees”. | |
| **6.** | In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

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*(Special Provisions) (Amendment) Act, No. 23 of 2022*

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