

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

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**INDUSTRIAL DISPUTES (AMENDMENT)**

**A**

**BILL**

**to amend the Industrial Disputes Act (Chapter 131)**

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*Presented by the Minister of Labour and Foreign Employment on 10th of August, 2022*

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*Ordered by Parliament to be printed*

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**[Bill No. 130]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2*: This clause amends section 31DD of the Industrial Disputes Act, (Chapter 131) (hereinafter referred to as the “principal enactment”) and the legal effect of that section as amended is to provide for the employer to furnish a security in cash to the President of relevant Labour Tribunal, in respect of an appeal to the Supreme Court, against an order of a High Court.

*Clause 3*: This clause inserts new section 31DDDDD in the principal enactment to provide for the employer to furnish a security in cash to the Commissioner-General of Labour, in respect of an appeal to the Court of Appeal, against an award of an arbitrator or an industrial court for the issue of a writ.

*Clause 4*: This clause inserts new section 33A in the principal enactment to provide for the employer to furnish a security in cash to the relevant Magistrate’s Court, in respect of an application to the High Court, against an order of the Magistrate’s Court or the Commissioner-General.

*Industrial Disputes (Amendment)* L.D.-O. 25/2021

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AN ACTTOAMENDTHE INDUSTRIAL DISPUTES   
ACT (CHAPTER 131)

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

**1.** This Act may be cited as the Industrial Disputes Short title (Amendment) Act, No. of 2022.

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| 5 | **2.** Section 31DD of the Industrial Disputes Act | Amendment of |
| (Chapter 131) (hereinafter referred to as the “principal | section 31DD of |
| Chapter 131 |
| enactment”) is hereby amended by the insertion immediately |

after subsection (1) of that section of the following new subsections:–

10 “(1A) Where an employer who is dissatisfied with a final order of a High Court established under Article 154P of the Constitution which is in favour of a workman on an apeal made by such workman against any order of a tribunal, appeals to the Supreme Court against such

15 order, he shall furnish to the President of such tribunal, a security in cash, where the order which is the subject of such appeal directs–

(*a*) only the payment of a sum of money to the   
 workman of an amount equal to such sum;

20 (*b*) both the payment of a sum of money to the workman and re-instatement of such worker, of an amount equal to such sum and twelve times the monthly salary or wages of such workman at the time his services were

25 terminated.

(1B) Every appeal preferred under subsection (1A),   
shall be supported by a certificate under the hand of the

2 *Industrial Disputes (Amendment)*

President of the Tribunal to the effect that the security   
as specified in subsection (1A) has been duly furnished   
by the employer.

(1C) The President of every Tribunal shall cause 5 all moneys furnished as security under subsection (1A) to be deposited in an account bearing interests, in any approved bank in Sri Lanka.”.

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| 10 | **3.** The following new section is hereby inserted | | Insertion of |
| immediately after section 31DDDD of the principal enactment | | new section |
| 31DDDDD in the |
| and shall have effect as section 31DDDDD of that enactment:– | |
| principal |
| 15 | “Employer to | 31DDDDD. (1) Where an application is | enactment |
| furnish a  security in  respect of an application to | preferred by an employer to the Court of Appeal, for the issue of an order in the nature of a writ, against an award made by an arbitrator |
| the Court of Appeal | under section 17(1) or by an industrial court under section 24, the Court of Appeal shall |

entertain such application upon furnishing a securtiy by such employer, in cash to the Commissioner-General, where such award 20 which is subject to such application directs the payment of a sum of money to the worker, of an amount equal to such sum.

(2) The Commissioner-General shall cause to be deposited the sum as specified in 25 subsection (1) in an account bearing interests, maintained by the Commissioner-General, in any approved bank in Sri Lanka.

(3) Every application preferred under this subsection, shall be supported by a certificate 30 under the hand of the Commissioner-General to the effect that the security as specifed in subsection (1) has been duly furnished by such employer.”.

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| 5 | *Industrial Disputes (Amendment)* | | 3 | Insertion of |
| **4.** The following new section is hereby inserted | | |
| immediately after section 33 of the principal enactment and | | | section 33A in |
| the principal |
| shall have effect as section 33A of that enactment:– | | |
| enactment |
| “Employer to | 33A. (1) Where an employer who is | |
| furnish a  security in  respect of an | dissatisfied with an order of a Magistrate’s Court on any written complaint made by the | |
| application to  the High Court | Commissioner-General under section 136B of the Code of Criminal Procedure Act, No. 15 of | |

1979 against such employer, due to any failure 10 to comply with an order of a tribunal, an award of an industrial court or an arbitrator which has been made in favor of a workman, makes an application to invoke the revisionary jurisdiction of the High Court establisded under

15 Article 154P of the Constitution, in respect of such order, shall at the time of such application furnish to the relevant Magistrate’s Court, a security of an amount equal to such sum in cash, where the order which is the subject of such 20 application directs the payment of a sum of money to the worker.

(2) The Registrar of the Magistrate’s Court shall cause all moneys furnished as security under subsection (1), to be sent to the 25 Commissioner-General to deposit in an account bearing interests, maintained by the Commissioner-General, in any approved bank in Sri Lanka.

(3) Every application made under subsection

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| 30 | (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 (1) has been duly   
furnished by such employer.

4 *Industrial Disputes (Amendment)*

(4) The Commissioner-General shall refund the sum furnished under subsection (1) together with the interest on that sum to the relevant party in accordance with the final order of the 5 High Court established under Article 154p, the Court of Appeal or the Supreme Court, as the case may be.”.

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| **5.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to prevail in case of |

inconsistency

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| *Industrial Disputes (Amendment)* | 5 |

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