

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

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**TERMINATION OF EMPLOYMENT OF WORKMEN (SPECIAL PROVISIONS) (AMENDMENT)**

**A**

**BILL**

**to amend the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971**

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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. 131]**

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*STATEMENT OF LEGAL EFFECT*

*Clause 2* : This clause amends section 2 of the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971 (hereinafter referred to as the “principal enactment”) and the legal effect of that section as amended is to increase the fine specified in subsection (2) thereof and to impose an additional fine on an employer for a continuous offence and provide for the recovery of a default sum of an employer by the Court.

*Clause 3* : This clause amends section 8 of the principal enactment to increase the fine specified in paragraph (*a*) of subsection (1).

*Clause 4* : This clause amends the principal enactment by the insertion of new sections 10A and 10B in the principal enactment and the new sections provide for the furnish of a security in cash by the employer in respect of an application to the High Court and an appeal to the Court of Appeal, against an order of the Magistrate’s Court or the Commissioner-General.

*Clause 5* : This clause amends section 14 of the principal enactment to increase the fine specified in that section.

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| *Termination of Employment of Workmen* | 1 |

*(Special Provisions) (Amendment)*

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)

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| 5 | (Amendment) Act, No. of 2022. | | Amendment |
| **2.** | Section 2 of the Termination of Employment of |
| 10 | Workmen (Special Provisions) Act, No. 45 of 1971 | | of section 2 |
| of Act, |
| (hereinafter referred to as the “principal enactment”) is hereby | |
| No. 45 of |
| amended as follows:— | |
| 1971 |
| (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”;

|  |  |  |
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| 15 | (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 20 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.

25 (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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 *(Special Provisions) (Amendment)*

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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| 5 | **3.** | Section 8 of the principal enactment is hereby | Amendment |
| 10 | amended in paragraph (*a*) of subsection (1) thereof, by the | | of section 8 |
| of the |
| substitution for the words “a fine of fifty rupees” of the words | |
| principal |
| “a fine of five hundred rupees”. | | enactment |
| **4.** | The following new sections are hereby inserted | Insertion of |
| immediately after section 10 of the principal enactment and | | new sections |
| 10A and 10B |
| shall have effect as sections 10A and 10B of that enactment:— | |
| in the |

principal

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | “Employer to | 10A. (1) Where an employer is dissatisfied | enactment |
| furnish a | with an order of the Magistrate’s Court, such |
| security in |
| employer may make an application in revision |
| respect of an |
| application to | by a written petition, against that order to the |
| the High | High Court established under Article 154P of |
| Court |
| the Constitution, to the Province within which |

such Magistrate’s Court is situated.

(2) Every employer who makes an 20 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 25 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 30 that the security as specified in subsection (2) has been duly furnished by such employer.

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 *(Special Provisions) (Amendment)*

(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

5 bearing interest, maintained by the Commissioner General, in any approved bank in Sri Lanka.

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

(2) Every employer who makes an 15 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–

20 (*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 25 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 30 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-5 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 10 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 15 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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| 20 | **5.** | | Section 14 of the principal enactment is hereby | Amendment |
| amended by the substitution for the words “fine not | | | of section 14 |
| of the |
| exceeding one thousand rupees” of the words “fine not | | |
| principal |
| exceeding twenty thousand rupees”. | | | enactment |
| **6.** | In the event of any inconsistency between the Sinhala | | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | | to prevail in |
| case of |

inconsistency

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*(Special Provisions) (Amendment)*

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