

PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

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SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND REMUNERATION) AND WAGES BOARDS (AMENDMENT) ACT, No. 36 OF 1982

[Certified on 12th October, 1982]

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Shop and Office Employees (Regulation of Employment and Remuneration) and Wages Boards (Amendment)

Act, No. 36 of 1982

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AN ACT TO AMEND THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND REMUNERATION) ACT AND THE WAGES BOARDS ORDINANCE.

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

Amendment Amendamic Short title.

1. This Act may be cited as the Shop and Office Employees (Regulation of Employment and Remuneration) and Wages Boards (Amendment) Act, No. 36 of 1982.

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2. Section 52 of the Shop and Office Employees (Regulation of Employment and Remuneration) Act is hereby amended by the repeal of subsection (2) of that section and the substitution therefor, of the following subsections:—

Amendment of section 52 of Chapter 129.

- "(2) On conviction of an employer under subsection
 (1), the Court may, in addition to any other sentence,
 order the employer to pay—
- (a) where an employee has not been paid the amount which ought properly to have been paid to that employee, such sum as may be found by the court to represent the difference between such amount and the amount actually paid and the surcharge referred to in subsection (2A); or
- employee has been paid such sum as may be found by the court to represent such remuneration and the surcharge referred to in subsection (2A).

Any sum ordered to be paid under this subsection may be recovered in the same manner as a fine orange (u)

- (2A) The surcharge payable on any sum referred to in paragraph (a) or paragraph (b) of subsection (2) shall be calculated as follows:
- (a) where such sum is in arrear for a period exceeding one month but not exceeding three months, a surcharge of twenty per centum of such sum;
- (b) where such sum is in arrear for a period exceeding three months but not exceeding six months, a surcharge of thirty per centum of such sum;

- 2 Shop and Office Employees (Regulation of Employment and Remuneration) and Wages Boards (Amendment)

 Act, No. 36 of 1982
 - (c) where such sum is in arrear for a period exceeding six months but not exceeding twelve months, a surcharge of forty per centum of such sum;
- (d) where such sum is in arrear for a period exceeding the twelve months, a surcharge of fifty per centum of such sum.".

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Amendment of section 4 of Chapter 136.

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- 3. Section 4 of the Wages Boards Ordinance (in this Part referred to as the "principal enactment"), is hereby amended by the repeal of subsection (2) of that section and the substitution therefor, of the following subsections:—
- "(2) On conviction of an employer under subsection
 (1) of an offence in respect of any worker, the court may,
 in addition to any other sentence, order the employer to
 pay— the continuous and the court may,
 in addition to any other sentence, order the employer to
- (a) where a worker has not been paid the amount which ought properly to have been paid to that worker, such sum as may be found by the court to represent the difference between such amount and the amount actually paid and the surcharge referred to in subsection (2A); or and appealance as a second (B)
- has been paid, such sum as may be found by the court to represent such wages and the surcharge referred to in subsection (2A).

Any sum ordered to be paid under this subsection may be recovered in the same manner as a fine.

- paragraph (a) or paragraph (b) of subsection (2) shall be calculated as follows:
- (a) where such sum is in arrear for a period exceeding one month but not exceeding three months, a surcharge of twenty per centum of such sum;
- (b) where such sum is in arrear for a period exceeding three months but not exceeding six months, a surcharge of thirty per centum of such sum;
- (c) where such sum is in arrear for a period exceeding six months but not exceeding twelve months, surcharge of forty per centum of such sum;

Shop and Office Employees (Regulation of Employment 3 and Remuneration) and Wages Boards (Amendment)

Act, No. 36 of 1982

- (d) where such sum is in arrear for a period exceeding twelve months, a surcharge of fifty per centum of such sum.".
- 4. Section 44 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor, of the following subsection:—

Amendment of section 44 of the principal enactment.

- "(3) On conviction of an employer under subsection (1) or subsection (2), the court may in addition to any other sentence, order the employer to pay—
- (a) where a worker has not been paid the amount which ought properly to have been paid to that worker, such sum as may be found by the court to represent the difference between such amount and the amount actually paid and the surcharge calculated in the manner set out in subsection (2A) of section 4; or
- (b) where no portion of the wages due to that worker has been paid, such sum as may be found by that court to represent such wages and the surcharge calculated in the manner set out in subsection (2A) of section 4.".