



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

WORKMEN'S COMPENSATION
(AMENDMENT)
ACT, No. 15 OF 1990

[Certified on 20th April, 1990]

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Workmen's Compensation (Amendment)
Act, No. 15 of 1990

[Certified on 20th April, 1990]

L. D.—O.8/88

AN ACT TO AMEND THE WORKMEN'S COMPENSATION ORDINANCE

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

1. This Act may be cited as Workmen's Compensation (Amendment) Act, No. 15 of 1990 and shall come into operation on such date as may be appointed by the Minister by order published in *Gazette*.

Short title
and date of
operation.

2. Section 2 of the Workmen's Compensation Ordinance, (hereinafter referred to as the "principal enactment") is hereby amended as follows :—

Amendment
of
section 2
of
Chapter 189.

(1) In subsection (1) of that section,—

(a) by the omission of the definition of "adult" and "minor";

(b) in the definition of "dependant" by the substitution for the words "a minor child of a deceased son", of the words "a minor child of a deceased son or deceased daughter,";

(c) by the substitution for the definition of "local authority" of the following definition :—

"local authority" includes a Municipal Council, an Urban Council and a Pradeshiya Sabha;

(d) by the substitution, in the proviso to the definition of "total disablement", for the words "from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I" of the words "from any combination of injuries specified in Schedule I";

(e) by substitution for the definition of "workman" of the following definition :—

"Workman" means any person who has entered into or works under a contract with an employer for the purposes of his trade or business in any capacity, whether the contract is expressed or implied, oral or in writing, and whether it is a contract of

service or of apprenticeship or a contract personally to execute any work or labour and whether the remuneration payable there under is calculated by time, or by work done or otherwise, and whether such contract was made before or after the coming into force of this definition, but does not include—

(a) a person working in the capacity of a member of the Armed Forces of Sri Lanka other than a person employed in a civilian capacity in any of those forces ;

(b) a member of the police force of Sri Lanka ; and

(2) in subsection (3) of that section—

(a) by the substitution for the words “any department of the Government” of the words “any department of the Government, Provincial Council” ;

(b) by the substitution for the words “that department”, of the words “that department, council”.

Amendment
of
section 3 of
of the
principal
enactment.

3. Section 3 of the principal enactment is hereby amended in paragraph (a) of the proviso thereto, by the substitution for the words “for a period exceeding seven days ;” of the words “for a period exceeding three days ;”.

Amendment
of
section 5 of
of the
principal
enactment.

4. Section 5 of the principal enactment is hereby amended by the substitution for the words “arising out of and in the course of his employment.” of the words “arising out of and in the course of his employment or the disease is reasonably attributable to the nature of his employment.”.

Amendment
of
section 6 of
the
principal
enactment.

5. Section 6 of the principal enactment is hereby amended as follows:—

(i) by the repeal of paragraph (A) of subsection (1) thereof and the substitution of the following paragraph therefor :—

“(A) where death results from the injury and the deceased was a workman in receipt of monthly wages falling within limits shown in the first Column of Schedule IV — the amount shown against such limits in the second column thereof” ;

- (ii) by the repeal of paragraph (B) of subsection (1) thereof, and the substitution of the following paragraph therefor:—

“(B) where permanent total disablement results from the injury, and the disabled workman was in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof.”; and

- (iii) by the substitution in paragraph (D) of subsection (1) thereof, for all the words and figures from the beginning of that paragraph to the words “subject to a maximum of thirty rupees:” of the following:—

“(D) where temporary disablement, whether total or partial, results from the injury, a half monthly payment payable on the sixteenth day after the expiry of a waiting period of three days from the date of the disablement, and thereafter half monthly, during the disablement or during a period of five years, whichever period is shorter, in the case of a workman in receipt of monthly wages falling within limits shown in the first Column of Schedule IV — of the sum shown against such limits in the Fourth Column thereof.”.

6. Section 11 of the principal enactment is hereby amended as follows:—

Amendment
of section 11
of the
principal
enactment.

- (i) In the proviso to subsection (1) thereof, by the substitution for the words “not exceeding an aggregate of one hundred rupees”, of the words “not exceeding an aggregate of one thousand rupees.”; and

- (ii) In subsection (2) thereof, by the substitution for the words “not less than ten rupees” of the words “not less than hundred rupees”.

7. Section 12 of the principal enactment is hereby amended in subsection (1) thereof, by the substitution for all the words from the words “the Commissioner shall deduct”, to the words “by whom such expenses were incurred,”, of the following words “the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses to—

Amendment
of section 12
of the
principal
enactment.

- “ (i) an amount not exceeding five thousand rupees, where the compensation does not exceed seventy five thousand rupees ;
- (ii) an amount not exceeding seven thousand five hundred rupees, where the compensation does not exceed one hundred and twenty-five thousand rupees ;
- (iii) an amount not exceeding ten thousand rupees, where the compensation exceeds Forty thousand rupees, and pay the same to the person by whom such expenses were incurred.”.

Amendment
of section 16
of the
principal
enactment.

8. Section 16 of the principal enactment as amended by Act, No. 31 of 1957 is hereby further amended as follows :—

- (i) in subsection (1) thereof, by the substitution for the words “within one year of the occurrence of the accident” of the words “within two years of the occurrence of the accident”; and
- (ii) in the proviso to subsection (1) thereof, by the substitution for the words and “provisions of section 4” of the words and figures “provisions of section 4 or section 5”.

Amendment
of section 18
of the
principal
enactment.

9. Section 18 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution, for the words “to a fine not exceeding fifty rupees” of the words “to a fine not exceeding five hundred rupees.”.

Insertion of
new section
23A in the
principal
enactment.

10. The following new section is hereby inserted immediately after section 23 and shall have effect as section 23A of the principal enactment:—

“Imposition
of surcharge
on employers
for failure
to pay
compensations
on due date.

23A. Where the amount payable in terms of an award for the payment of compensation is not paid within a period of thirty days from the date of the award, the employer shall be liable to pay, in addition to such compensation, a surcharge of a sum equivalent to ten *per centum* of the amount of such compensation.”.

11. Section 41 of the principal enactment is hereby amended in subsection (1) thereof by the substitution, for the words " (including any sum payable by way of costs) " of the words and figures " (including any sum payable by way of costs or surcharge imposed under section 23A) ".

Amendment
of section 41
of the
principal
enactment.

12. Section 47 of the principal enactment is hereby amended in subsection (2) thereof, by the substitution for the words " Court of Appeal " of the words " High Court established under Article 154P of the Constitution. ".

Amendment
of section
47 of the
principal
enactment.

13. Section 48 of the Principal enactment is hereby amended as follows :—

Amendment
to section
48 of the
principal
enactment.

(i) by the substitution for the words " the Court of Appeal " wherever they occur, of the words " the High Court established under Article 154P of the Constitution within whose Jurisdiction the aggrieved party resides " ; and

(ii) by the insertion immediately after subsection (6) of the following new subsection :—

" (7) The Commissioner shall cause the amount deposited with him under subsection (4) to be deposited in an account, bearing interest, in the National Savings Bank established by the National Savings Bank Act No. 30 of 1971. ".

14. Section 49 of the principal enactment is hereby amended in subsection (1) thereof by the substitution for the words " five rupees ", of the words " one hundred rupees ", and by the substitution for the words " the Court of Appeal " of the words " a High Court established under Article 154P of the Constitution ".

Amendment
to section
49 of the
principal
enactment.

15. Section 50 of the Principal enactment is hereby amended by the substitution for the words " Court of Appeal " of the words " a High Court established under section 154P of the Constitution ".

Amendment
to section
50 of the
principal
enactment.

Amendment
to section
53 of the
principal
enactment.

16. Section 53 of the Principal enactment is hereby amended in the proviso thereto, by the substitution for the words "Fifty rupees" of the words "two thousand five hundred rupees".

Insertion
of new
sections
53A and 53B.

17. The following new sections are hereby inserted immediately after section 53, and the same shall have effect as Section 53A and 53B of the principal enactment:—

"Appeal
to Supreme
Court from
High Court
and powers
of Supreme
Court on
appeal.

53A. (1) Any workman, or employer who is aggrieved by any final order, of a High Court established under Article 154P of the Constitution, in the exercise of the appellate jurisdiction vested in it by subsection (1) of section 48, may appeal therefrom to the Supreme Court with the leave of that Court first had and obtained.

(2) The Supreme Court shall have sole and exclusive cognizance by way of appeal from any order made by such High Court, in the exercise of the jurisdiction vested in such High Court by subsection (1) of section 48 and it may affirm, reverse or vary any such order of such High Court and may issue such directions to the Commissioner or order a new trial or further hearing in any proceedings as the justice of the case may require and may also call for and admit fresh or additional evidence if the interest of justice so demands and may in such event, direct that such evidence be recorded by such High Court or the Commissioner.

Payment
of amount
deposited
along with
interest
on final
determina-
tion of the
appeal.

53B. Where a High Court established by Article 154P of the Constitution, on an appeal preferred to it under section 48 or the Supreme Court on an appeal made to it from an order or such High Court :—

- (a) affirms the order of the Commissioner from which the appeal is preferred, the Commissioner shall cause the amount deposited under section 48 (4) together with the accumulated interest thereon less the sum distributed under the proviso to section 53 to be paid to the workman ;
- (b) reverse the order of the Commissioner from which the appeal is preferred, the Commissioner shall cause the amount deposited under section 48 (4) together with the accumulated interest thereon, to be returned to the appellant ;
- (c) varies the order of the Commissioner from which the appeal is preferred, the Commissioner shall cause the sum required to satisfy the order of the High Court or the Supreme Court, as the case may be together with interest on that sum less the sum distributed under the proviso to section 53 to be paid to the workman out of the amount deposited under section 48 (4), and shall cause the balance, if any, of such amount and interest thereon, to be returned to the appellant.”.

Amendment
of section 57
of the
principal
enactment.

18. Section 57 of the principal enactment is hereby amended in subsection (3) thereof, by the substitution for the words "to a fine not exceeding fifty rupees:" of the words "to a fine not exceeding five hundred rupees:".

Insertion of
new Section
60A in the
principal
enactment.

19. The following new section is inserted immediately after section 60 and shall have effect as section 60A of the principal enactment:—

"Payment
from non-
contributory
insurance
or compensa-
tion scheme.

60A. Where any workman is entitled to any payment, from any non-contributory insurance or compensation scheme provided by the employer, for any injury caused to him by an accident arising out of or in the course of his employment, the amount of such payment shall be deducted from the amount of the compensation payable to him by the employer under this Ordinance, in respect of that injury."

Replacement
of Schedule
I to the
principal
enactment.

20. Schedule I to the principal enactment is hereby repealed and the following new Schedule is substituted therefor:—

" SCHEDULE I

[Section 2(1)]

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT/PARTIAL DISABLEMENT

<i>Injury</i>	<i>Percentage of loss of hearing capacity</i>
Permanent and incurable paralysis of the limbs or injuries resulting in being permanently bedridden	100
Permanent incurable loss of mental capacity resulting in fatal incapacity to work or any other injury causing permanent fatal incapacity to work	100
<i>Eye Injuries</i>	
(i) Total loss of sight in both eyes	100
(ii) Total loss of sight in one eye	50
<i>Hearing Injuries</i>	
(i) Total loss of hearing	60
(ii) Total loss of hearing in one ear	30

<i>Injury</i>	<i>Percentage of loss of hearing capacity</i>
<i>Loss of Speech</i>	
(i) Total loss of speech	75
<i>Sensory Loss</i>	
(i) Total loss of senses of smell and taste	50
(ii) Total loss of sense of smell	25
(iii) Total loss of sense of taste	25
<i>Arm Injuries</i>	
(i) Loss of arm at or above elbow	75
(ii) Loss of arm at or below elbow	65
<i>Hand Injuries</i>	
(i) Loss of both hands	100
(ii) Loss of hand or loss of thumb and 4 fingers	65
(iii) Loss of thumb (both phalanges)	35
(iv) Loss of thumb (one phalanx)	20
(v) Loss of four fingers	60
<i>Loss of Index finger</i>	
(i) Three phalanges	30
(ii) Two phalanges	20
(iii) One phalanx	10
<i>Loss of middle, ring and little fingers</i>	
(i) Three phalanges	20
(ii) Two phalanges	10
(iii) One phalanx	05
<i>Loss of Leg</i>	
(i) at or above knee	75
(ii) at or below knee	65
<i>Foot Injuries</i>	
(i) Loss of both feet	100
(ii) Loss of one foot	75
<i>Loss of Toes</i>	
(i) Great toe-both phalanges	20
(ii) Great toe-one phalanx	10
(iii) Other than great toe, if more than one lost, each	10
<i>Miscellaneous</i>	
(i) Total loss of genitals	75
(ii) Partial loss of genital	40
(iii) Severe facial scarring or disfigurement	75
(iv) Severe bodily disfigurement, other than facial scarring or disfigurement to a maximum of	50
(v) Loss of single tooth	05
(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	50

Note :

Assessment not to exceed 100% in any one accident",

Repeal of
Schedule II
of the
principal
enactment.
Amendment
of Schedule
III of the
principal
enactment.

21. Schedule II to the Principal enactment is hereby repealed.

22. Schedule III to the principal enactment is hereby amended by the addition, at the end of PART B of the following :—

<i>Description of Occupational disease</i>	<i>Description of Process</i>
Pneumoconiosis caused by selerogenic mineral dust (silicosis, anthracosilicosis, asbestosis) and silicotuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Any process involving exposure to, or the use of selerogenic mineral dust.
Bronchopulmonary diseases caused by hard-metal dust.	Any process involving exposure to hard metal dust.
Bronchopulmonary diseases caused by cotton dust (byssionosis), or flax, hemp or sisal dust.	Any process involving exposure to any such dust.
Occupational asthma caused by sensitising agents or irritants both recognized in this regard and inherent in the work process.	Any process involving the use of or exposure to, such agents or irritants.
Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed.	Any process involving exposure to any such dust.
Diseases caused by beryllium or its toxic compounds.	Any process involving the use of beryllium and its toxic compounds.
Diseases caused by cadmium or its toxic compounds.	Any process involving the use of cadmium or its toxic compounds.
Diseases caused by chromium or its toxic compounds.	Any process involving the use of chromium or its toxic compounds.
Diseases caused by manganese or its toxic compounds.	Any process involving the use of manganese or its toxic compounds.
Diseases caused by flourine or its toxic compounds.	Any process involving the use of fluorine or its toxic compounds.
Diseases caused by carbon disulfide.	Any process involving exposure to carbon disulfide.

<i>Description of Occupational disease</i>	<i>Description of process</i>
Diseases caused by the toxic halogen derivatives or aliphatic or aromatic hydrocarbons.	Any process involving exposure to the same.
Diseases caused by nitroglycerin or other nitric acid esters.	Any process involving the use of nitroglycerin.
Diseases caused by alcohols or ketones	.. Any process involving the use of alcohols glycols or ketones.
Diseases caused by asphyxiants, carbon monoxide, hydrogen cyanide or its toxic derivatives, hydrogen sulfide.	Any process involving exposure to asphyxiants, carbon monoxide, hydrogen cyanide or its toxic derivatives.
Hearing impairment caused by noise.	.. Any process involving exposure to noise.
Diseases caused by vibration (disorders of muscles, tendons, bones, joints peripheral blood vessels or peripheral nerves.	Any process involving exposure to vibration.
Diseases caused by work in compressed air	.. Any process involving exposure to the risk concerned.
Diseases caused by ionising radiations	.. Any process involving exposure to the action of ionising radiations.
Skin diseases caused by physical, chemical or biological agents not included under other items.	Any process involving exposure to the risk concerned.
Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	do.
Lung cancer or mesotheliomas caused by asbestos.	do.
Infectious or parasitic disease contracted in an occupation where there is particular risk of contamination.	(a) Health or laboratory work; (b) Veterinary work; (c) Work handling animals animal carcasses, parts of such carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses.

<i>Description of Occupational disease</i>	<i>Description of Process</i>
	(d) Any other work carrying a particular risk of contamination.
Diseases caused by Carbon bisulphide. ..	Any process involving exposure to, or the use of fumes of carbon bisulphide, compound of carbon bisulphide or substance containing carbon bisulphide.
Diseases caused by Organic Phosphates ..	The handling of organic phosphates for destruction of pest or vermin.
Diseases caused by Carbon dioxide gas ..	Blasting, manufacture of mineral waters, any process involving fermentation in breweries and the formation of lime in lime kilns.
Occupational cataract due to exposure to glare of molten glass or red hot metal of infra red radiations.	Any process involving frequent or prolonged exposure to the glare of or rays from molten glass or red hot metal or infra red radiations.
Diseases caused by Carbon disulphide ..	(a) Manufacture of carbon disulphide; (b) Manufacture of artificial silk by viscose process; (c) Rubber industry; or (d) Any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from carbon disulphide.
Silicosis ..	Any process involving exposure to the inhalation of dust containing silica.
Asbestosis ..	The production of (i) fibre cement materials or asbestos mill board (ii) the processing of ores containing asbestos."

23. Schedule IV to the Principal enactment is hereby repealed and the following new Schedule substituted therefor :—

Replacement of Schedule IV to the principal enactment.

“SCHEDULE IV”

Compensation Payable in certain cases
AMOUNT OF COMPENSATION

(Section 5)

<i>Monthly Wages of the workman injured</i>	<i>Death of Workman</i>	<i>Permanent Total disablement of Workman</i>	<i>Half Monthly Compensation for Temporary Disablement of Workman</i>
(1)	(2)	(3)	(4)
0— 250 ..	19,404 ..	21,168 ..	Half his mon-
251— 500 ..	40,504 ..	44,186 ..	thly wages up
501— 750 ..	60,819 ..	66,348 ..	to a
751—1000 ...	77,576 ...	84,629 ...	maximum of
1001—1250 ..	89,021 ..	97,114 ..	Rs.
1251—1500 ..	101,693 ..	110,938 ..	684 0
1501—1750 ..	111,091 ..	121,190 ..	684 0
1751—2000 ..	122,918 ..	134,093 ..	757 50
2001—2200 ..	131,789 ..	143,769 ..	832 0
2201—2400 ..	138,402 ..	150,984 ..	895 0
2401—2600 ..	146,618 ..	159,946 ..	960 0
2601—2800 ..	156,007 ..	170,189 ..	1,003 0
2801—3000 ..	159,396 ..	173,887 ..	1,030 0
3001—3200 ..	165,858 ..	180,936 ..	1,113 0
3201—3400 ..	175,190 ..	191,117 ..	1,175 0
3401—3600 ..	184,246 ..	200,995 ..	1,236 0
3601—3800 ..	195,241 ..	212,990 ..	1,310 0
3801—4000 ..	205,438 ..	224,179 ..	1,379 0
4001—4400 ..	209,498 ..	228,179 ..	1,409 0
4401—4800 ..	217,498 ..	236,179 ..	1,469 0
4801—5200 ..	225,498 ..	244,179 ..	1,529 0
5201—5600 ..	233,498 ..	250,000 ..	1,589 0
5601—6000 ..	241,498 ..	250,000 ..	1,649 0
6001—6400 ..	249,498 ..	250,000 ..	1,709 0
6401—6800 ..	250,000 ..	250,000 ..	1,769 0
6801—7200 ..	250,000 ..	250,000 ..	1,829 0
7201—7600 ..	250,000 ..	250,000 ..	1,889 0
7601—8000 ..	250,000 ..	250,000 ..	1,949 0
8001—8400 ..	250,000 ..	250,000 ..	2,009 0
8401—8800 ..	250,000 ..	250,000 ..	2,069 0
8801—9200 ..	250,000 ..	250,000 ..	2,129 0
9201—9600 ..	250,000 ..	250,000 ..	2,189 0
9601—10,000 ..	250,000 ..	250,000 ..	2,249 0
10,001—10,200 ..	250,000 ..	250,000 ..	2,309 0
10,201—10,400 ..	250,000 ..	250,000 ..	2,369 0
10,401—11,000 ..	250,000 ..	250,000 ..	2,429 0
11,001—11,400 ..	250,000 ..	250,000 ..	2,489 0
11401 and over ..	250,000 ..	250,000 ..	2,500 0

24. 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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