



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

**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**

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

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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.

*Termination of Employment of Workmen
(Special Provisions) (Amendment)*

L.D.—O. 24/2021

AN ACT TO AMEND THE TERMINATION OF EMPLOYMENT OF WORKMEN
(SPECIAL PROVISIONS) ACT, NO. 45 OF 1971

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

1. This Act may be cited as the Termination of Employment of Workmen (Special Provisions)
5 (Amendment) Act, No. of 2022.

Short title

2. Section 2 of the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971 (hereinafter referred to as the “principal enactment”) is hereby
amended as follows:—

Amendment
of section 2
of Act,
No. 45 of
1971

10 (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”;

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

20 “(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.

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.”.

5 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”. Amendment of section 8 of the principal enactment

10 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:— Insertion of new sections 10A and 10B in the principal enactment

15 “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.

20 (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.

25 (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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(Special Provisions) (Amendment)

5 (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.

10 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.

15 (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—

20 (a) both the payment of a sum of money as compensation and the reinstatement, 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

30 (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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 (Special Provisions) (Amendment)

5 (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.

10 (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.

15 (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 Supreme Court, as the case may be.”.

20 **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”. Amendment of section 14 of the principal enactment

6. 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

