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# The Gazette of the Democratic Socialist Republic of Sri Lanka

## EXTRAORDINARY

අංක 2239/26 - 2021 අගෝස්තු මස 03 වැනි අඟහරුවාදා - 2021.08.03  
No. 2239/26 - TUESDAY, AUGUST 03, 2021

(Published by Authority)

### PART I : SECTION (I) — GENERAL

#### Government Notifications

L.D.-B 2/2012

#### EMPLOYEES' PROVIDENT FUND ACT, No. 15 OF 1958

REGULATIONS made by the Minister of Labour under Section 46 of the Employees' Provident Fund Act, No.15 of 1958.

NIMAL SIRIPALA DE SILVA (M. P.),  
Attorney-at-Law,  
Minister of Labour.

Colombo,  
03rd August, 2021.

#### Regulations

1. The Employees' Provident Fund Regulations, 1958 published in *Gazette* Extraordinary No.11573 of October 11, 1958 as amended, from time to time, are hereby amended as follows:-

(1) by the repeal of regulation 6 and the substitution therefor of the following:-

“6. (1) Every employer of employees in any covered employment shall within thirty days from the date of recruitment of an employee forward to the relevant Labour Office in the area within which the work place of such employee is situated, an employee's record card substantially in Form 'A' of the Second Schedule hereto; and

(2) The Commissioner-General shall issue to such employee, a certificate of membership of the Fund substantially in Form 'B' of the Second Schedule hereto.



(2) by the repeal of regulation 6A.

(3) in paragraph (2) of regulation 7-

(a) by the substitution, in paragraph (a) for the letters and figure “EM - 1” of the words and figure “Form EM -1”;

(b) by the substitution , in paragraph (b) for the words and figures “computer file formats EM - 2 and EM - 3” of the words and figures “Computer File Formats EM-2 and EM-3”;

(4) in regulation 8, by the substitution for the words and figure “form D with form DI” of the words and figure “Form D with Form D-I”;

(5) in regulation 9, by the substitution for the words “and figures form C of the Second Schedule hereto or computer file formats EM - 2 and EM - 3 of the fifth Schedule” of the words and figures “Form C of the Second Schedule or Computer File Format EM - 2 and EM - 3 of the Fifth Schedule”.

(6) by the repeal of regulation 10 and the substitution therefor of the following:-

“10. (1) Every employee to whom the Act applies shall, when required to do so by the Commissioner-General or by his employer, furnish clear impressions of his right thumb and left thumb in the space provided for the purpose on the employee’s record card and in such other document or form including a document or form in electronic media which is required for the purposes of the Act. Every such employee shall in addition appear for a photograph if required so by the Commissioner-General.

(2) Where the impressions of the left and right thumb of an employee cannot be furnished under paragraph (1) due to some sickness, deformity or any such reason, the Commissioner-General shall determine an alternative manner to fulfill this requirement.”.

(7) by the repeal of regulation 12 and the substitution therefor of the following:-

“12. (1) Every employee to whom the Act applies shall, when take up employment in a covered employment for the first time, personally present before the Commissioner-General to furnish information specified in Form ‘A’ of the Second Schedule hereto.

(2) Every employer to whom the Act applies shall facilitate his employees to comply with the provisions of paragraph (1).

(3) Where any employer refuses or unreasonably delays to certify the employee’s record card of an employee, such employee may send to the Commissioner-General such record card without being certified by the employer. In such event if the Commissioner -General is satisfied that the employer has without any reasonable cause refused or delayed to certify such record card, the Commissioner-General shall, notwithstanding the fact that such employer has not certified employee’s record card, grant the membership of the Fund to such employee.

(4) The employer shall send to the Commissioner-General, relevant documents relating to the second and subsequent employments, if any, of the employee. The Commissioner-General shall thereupon cause to resend the membership certificate to the relevant employee which shall be retained in the custody of such employee.”.

(8) by the repeal of regulation 13.

- (9) in regulation 14, by the substitution for the words “fee of one rupee,” of the words “fee of hundred rupees”.
- (10) by the repeal of regulation 17.
- (11) by the repeal of regulation 31 and the substitution therefor of the following:-
- “31.** (1) Every claim for the payment of any benefit made on any such ground as is referred to in Section 23 of the Act shall be substantially in Form ‘K’ of the Second Schedule.
- (2) The employer shall within five working days upon receipt of the duly completed Form ‘K’ from the employee, complete the relevant part that shall be completed by such employer and hand it over to the employee.”.
- (12) in regulation 31A, by the substitution for the words “form S” of the words “Form S”.
- (13) by the repeal of Form ‘A’, ‘B’, and ‘C’ of the Second Schedule and the substitution therefor of the following:-



## Employee's Record Card

The data & information are fed into the computer in English, Hence the application must be filled in English, Please read the instruction sheet for further information.

[illegible]

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[illegible][illegible][illegible]

[illegible]

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7

[illegible][illegible][illegible][illegible]

### Right Thumb Mark

Signature.

[illegible]

I do hereby certify that the signature & thumb marks of the employee were placed in my presence.

Date :

		/			/				
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.....  
Signature & Designation of Employer or His  
Representative  
Official Frank.

**Form B**

**Employees' Provident Fund - Department of Labour**

**Certificate of Membership**

National Identity Card No./Passport No : .....

Full Name : .....

Employer's No. : ..... Member's No. : .....

Previous No (if any)	.....	.....
	.....	.....
	.....	.....
	.....	.....
	.....	.....

(14) In the Second Schedule, -

(a) in form D1,

- (i) by the substitution for the words and figure “form D(1)” of the words and figure “Form D-1”;
- (ii) in item 3(a) thereof, by the substitution for the words “Sole Proprietorship” of the words “Sole Proprietorship”;

(b) by the repeal of form G;

(c) in form S, -

- (i) by the substitution for the words “form S” of the words “Form S”;
- (ii) in item 8 thereof, by the substitution for the words “Membership Card “B” form” of the words “Form B (Membership Card)”;
- (iii) by the substitution for the words “Name as per “B” Card (Membership Card)” appearing under the heading “Name Certificate”, of the words “Name as per Form “B”(Membership Card)”;

(15) in the Fourth Schedule, -

(a) in form “EM 1”, -

- (i) by the substitution for the word and figure “EM 1” of the word and figure “Form EM 1”;
- (ii) in item 2.2 thereof, by the substitution for the words “Shop and Office Act” of the words and figures “Shop and Office Employees (Regulation of Employment and Remuneration) Act (Chapter 129)”;
- (iii) in item 2.3 thereof, by the substitution for the words “Wages Board Act” of the words and figures “Wages Board Ordinance (Chapter 136)”;
- (iv) in item 4.2 thereof, by the substitution for the word “Land” of the word “Land”;
- (v) in item 7 thereof, by the substitution for the words “e- Returns” of the words “e- Returns”;
- (vi) by the substitution for the words “declare & agree” of the words “declare”;

(b) in form ‘EM 2’ -

- (i) by the substitution for the word and figure “EM 2” of the words and figure “Computer File Format EM 2”;
- (ii) in the corresponding entries of item 4, by the substitution for the words and figures “Submission ID” and “Data Submission Number\*” of the words and figures “Data Identification Number” and “Data Submission Identification Number\*” respectively;
- (iii) in the corresponding entry of item 8, by the substitution for the words “Text” and “(Bank Code, Branch Code and Cheque No.)” of the words “Text” and “(Bank Code, Branch Code and Account No. or Cheque No.)” respectively;
- (iv) in the corresponding entry of item 10, by the substitution for the words and figures “ District Office Code No. (Refer Annex 9)” of the words and figures District Labour Office Code No.” respectively;

(c) by the repeal of Form EM3' of the Fifth Schedule and the substitution therefor of the following:

**“Form EM 3**

**Employees’ Provident Fund - Department of Labour**

**Contribution Detail File (should be named as EVEMC.TXT)**

<i>No.</i>	<i>Field</i>	<i>Length</i>	<i>Type</i>	<i>Description</i>
1	NIC Number	20	Text	NIC/Passport number
2	Last Name	40	Text	Last Name
3	Initials	20	Text	Initials
4	Mem Number	6	Numeric	Member’s Account Number
5	TotCont	9.2*	Numeric	Total Contribution Amount (Rs.)
6	EmpCont	9.2*	Numeric	Employer’s Contribution Amount (Rs.)
7	MemCont	9.2*	Numeric	Member’s Contribution Amount (Rs.)
8	TotEarnings	11.2**	Numeric	Total Earning (Rs.)  Total wages or salary for the month* excluding overtime payment  * This should be included basic wage or salary, cost of living allowance, piece rates & incentive payments
9	MemStatus	1	Text	Member Status  <i>E=Existing N=New V= Vacated</i>
10	ZnCode	1	Text	Zone code
11	EmpNo	6	Numeric	Employer Number
12	ContPeriod	6	Numeric	Contribution Year Month



13	SubmissionID	2	Numeric	Data Submission Number ***
14	DaysWork	4.2	Numeric	No. of days worked
15	OcGrade	3	Numeric	Occupation Classification Grade (As per the classification of Census and Statistics Dept.)

9.2\* There should be maximum of 10 digits including 7 integers, decimal point and 2 decimals

11.2 \*\* There should be maximum of 12 digits including 9 integers, decimal point and 2 decimals

\*\*\* If it sends the file as a one (including all the staff), number should be “01”. If it sends under two categories such as “Executive” & “Non-Executive”, the number should be “02”.

It is suggested to replace the above foot note (\*\*\*) with the following.

Data submission number of the contribution detail file : if an employer submits more than one file for its staff (e.g. : for different categories such as “executive”, “Non-Executive”, etc.), the employer should maintain separate data submission number for each of the file.



[illegible]