

Maternity Benefits (Amendment)

Act No 43 of 1985

AN ACT TO AMEND THE MATERNITY BENEFITS ORDINANCE.

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

Short title. **1.** This Act may be cited as the Maternity Benefits (Amendment) Act, No. 43 of 1985.

Replacement of
section 3 of
Chapter 140.

2. Section 3 of the Maternity Benefits Ordinance Replacement (hereinafter referred to as the "principal enactment"), as section 3 last amended by Act No. 52 of 1981, is hereby repealed and Chapter 140. the following new section substituted therefor :

"Period for 3.
which
maternity
benefit must
be paid.

(1) The period for which any woman shall be entitled to the payment of maternity benefit shall be

(a) twelve weeks, that is to say two weeks up to and including the day of her confinement and ten weeks immediately following that day, if the confinement results in the issue of a live child, and such woman has, at the date of such confinement, no child or has one child;

(b) six weeks, that is to say two weeks up to and including the day of her confinement and four weeks immediately following that day

(i) if the confinement results in the issue of a live child, and such woman has, at the date of such confinement, two or more than two children;

(ii) if the confinement does not result in the issue of live child :

Provided however, where such woman has worked in her employment for any number of days during the aforesaid period of two weeks referred to in paragraph (a) and paragraph (b), she shall be entitled to the payment of maternity benefit for that number of days immediately after her confinement commencing the day immediately after the date on which the aforesaid period of ten weeks or four weeks as the case may be, ends.

(2) If a woman dies during the twelve weeks referred to in paragraph (a) or six weeks referred to in paragraph (b) of subsection (1), the maternity benefit shall be payable only for the days up to and including the day of her death."

Amendment of
section 5 principal
enactment.

3. Section 5 of the principal enactment, as last amended by Act No. 52 of 1981, is hereby further amended by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :

" (1) Subject to the provisions of subsections (3) and (4), the employer of a woman worker shall pay to such worker maternity benefit at the prescribed rate

(a) for the entirety of the period of two weeks immediately preceding the confinement and of the period of ten weeks immediately following her confinement if such confinement results in the issue of a live child, and such worker has, at the date of such confinement, no child or has one child; and

(b) for the entirety of the period of two weeks immediately preceding the confinement and of the period of four weeks immediately following her confinement

(i) if the confinement results in the issue of a live child, and such worker has, at the date of such confinement, two or more than two children;

(ii) if the confinement does not result in the issue of live child :

Provided however, where such woman worker has worked in her employment on any day during the aforesaid period of two weeks referred to in paragraph (a) and paragraph (b), immediately preceding her confinement, she shall be entitled to maternity benefit, for that day and for that part of the period which precedes that day after her confinement. "

Amendment of section 7 of the principal enactment.

4. Section 7 of the principal enactment, as last amended Amendment by Act No. 52 of 1981, is hereby further amended as follows :-

(a) by the repeal of subsection (2) of that section, and the substitution therefor of the following subsection; " (2) A woman worker who has been confined shall, within one week of her confinement give notice to her employer of the date on which she was confined and for the purpose of ascertaining the number of days she will be permitted to absent herself from the employment specify the number of children she has on such. date on which she was confined; " ; and

(b) by the repeal of subsection (4) of that section, and the substitution therefore of the following subsection ; " (4) The employer shall on receipt of a notice from a woman worker under subsection (1) or subsection (2), permit that woman worker to absent herself from employment

(a) for two weeks immediately preceding, and ten weeks immediately following her confinement if the confinement results in the issue of a live child, and such woman has, at the date of such confinement, no child or has one child ;

(b) for two weeks immediately preceding and four weeks immediately following her confinement

(i) if the confinement results in the issue of a live child, and such woman has, at the date of such confinement, two or more than two children;

(ii) if the confinement does not result in the issue of a

live child:

Provided, however, where such woman worker has worked in her employment for any number of days during the aforesaid period of two weeks referred to in paragraph (a) and paragraph (b), she shall be permitted to absent herself from employment for that number of days after her confinement commencing from the day immediately after the date on which the aforesaid period, ten weeks or four weeks, as the case may be, ends."