



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

**TERMINATION OF EMPLOYMENT OF
WORKMEN (SPECIAL PROVISIONS)
(AMENDMENT) ACT, No. 12 OF 2003**

[Certified on 20th March, 2003]

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Termination of Employment of Workmen (Special Provisions) (Amendment) Act, No. 12 of 2003

[Certified on 20th March, 2003]

L.D.—O. 53/2002.

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) (Amendment) Act, No. 12 of 2003, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the “appointed date”).

Short title and date of operation.

2. Section 2 of the Termination of Employment of Workmen (Special Provisions) Act, No. 45 of 1971, (hereinafter referred to as the “principal enactment”) as amended by Act, No. 51 of 1988, is hereby further amended as follows :—

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

- (1) in subsection (2) of that section by the substitution for paragraph (a) of that subsection, of the following paragraph :—

“(a) such approval may be granted or refused on application made in that behalf by such employer, a copy of which application shall be served on the workman concerned, who shall be afforded an opportunity of being heard;”;

- (2) by the insertion immediately after subsection (2) of that section, of the following new subsection :—

“(2A) It shall be the duty of the Commissioner on receipt of an application under subsection (2), to call upon the workman concerned within three days of the receipt of such application, by the Commissioner, to submit his response to such application within seven days of the receipt of the same by such workmen :

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Provided however, that where the workman fails to respond within the above period, the Commissioner may grant a further period not exceeding seven days, upon his being satisfied that such failure was due to circumstances beyond the control of such workman.”;

Amendment of section 6A of the principal enactment.

3. Section 6A of the principal enactment is hereby amended by the repeal of subsection (2) of that section.

Amendment of section 6B of the principal enactment.

4. Section 6B of the principal enactment is hereby amended in subsection (1) of that section, by the substitution for the words “within six months of the termination”, of the words “within three months of the termination”.

Insertion of new sections 6C and 6D in the principal enactment.

5. The following new sections are hereby inserted immediately after section 6B and shall have effect as sections 6C and section 6D of the principal enactment :—

“Magistrate to make order where money has not been paid on an order made under section 6 or 6A.

6C. Where the Commissioner orders any sum of money to be paid to a workman under subsection (2) of section 6 or section 6A of this Act, the Magistrate’s Court having jurisdiction in the area where such workman is or was employed by his employer shall, if satisfied on the written petition of such workman that payment of such money has not been made within the time specified in that behalf by the Commissioner, make order that the amount of such money shall be paid by such employer to such workman and that such amount if not paid in compliance with the order, be recovered in like manner as a fine imposed by the Court, and the amount so recovered shall be paid to such workman.

Computation of any compensation payable.

6D. Any sum of money to be paid as compensation to a workman on a decision or order made by the Commissioner under this Act, shall be computed in accordance with such formula as shall be determined by the Commissioner, in consultation with the Minister, by Order published in the *Gazette*.”.

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6. Section 7 of the principal enactment as amended by Act, No. 51 of 1988 is hereby further amended as follows :—

Amendment of section 7 of the principal enactment.

- (1) in subsection (1) of that section, by the substitution for the words “order made under section 6”, of the words “order made under subsection (2) of section 6,”; and
- (2) in subsection (2) of that section, by the substitution for the words “order made under section 6”, of the words “order made under subsection (2) of section 6,”.

7. 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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