

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:

Short title. **1.** This Act may be cited as the Termination of Employment of Workmen (Special Provisions) (Amendment) Act, No. 51 of 1988.

Amendment of section 2 of Act, No. 45 of 1971. **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 by the insertion of the following new subsection immediately after subsection (4) of that section:

" (5) Where any employer terminates the scheduled employment of any workman by reason of punishment imposed by way of disciplinary action the employer shall notify such workman in writing the reasons for the termination of employment before the expiry of the second working day after the date of such termination."

Amendment of section 3 of the principal enactment. **3.** Section 3 of the principal enactment is hereby amended by the substitution, in paragraph (b) of subsection (1) of that section, for the words "a period of less than one year; or", of the words and figures " a period of less than one hundred and eighty days inclusive of

(i) every day of absence on any ground approved by the employer;

(ii) every day of absence due to any injury to the workman caused by an accident arising out of, and in the course of his employment;

(iii) every day of absence due to anthrax or any occupational disease specified in Schedule III of the Workman's Compensation Ordinance (Chapter 139) ;

(iv) every day on which the employer fails to provide work for the workman ;

(v) every day of absence due to a lockout, or strike that is not illegal, if such days do not in the aggregate exceed thirty days ; and

(vi) every holiday or day of absence from work to which a workman is entitled, by or under, the provisions of any written law,

in the continuous period of twelve months commencing from the date of employment if such termination takes place within that period of twelve months ; or "

Insertion of new section 6 in the principal **4.** The following new section is hereby inserted immediately after section 6A, and shall have effect as section 6B of the principal enactment:

enactment. " No order 6B.
to be made
after six
months of
making the
application
and rights
of
workman
to seek
other legal
remedy.

(1) No order shall be made by the Commissioner under section 6 or section 6A in pursuance of an application made by a workman unless such application was made within six months of the termination to which such application related.

(2) Nothing in this Act shall be read and construed as effecting section 2 or section 5 of this Act or the rights of a workman whose employment has been terminated to apply for any other legal remedy in respect of such termination or as effecting the .jurisdiction of any court, tribunal or institution to grant relief in respect of such termination. "

Amendment of section 5. Section 7 of the principal enactment is hereby amended as follows:
7 of the principal
enactment.

(1) by the substitution, in subsection (1) of that section, for the expression " the provisions of section 6 ", of the expression " an order made under section 6 or section 6A " ; and

(2) by the substitution, in subsection (2) of that section, for the expression " the provisions of section 6 ", of the expression " an order made under section 6 or section 6A " .

Amendment of section 6. Section 8 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (1) of that section and the substitution of the following paragraph therefor:
enactment.

(b)

(i) to pay the workman, in any case where the offence relates to non-compliance with an order made under section 6, the wages and benefits specified in that order and wages and benefits which would have been payable to him, if he had been in employment for the period commencing on the date specified in the order made under section 6 and ending on the date of conviction of such employer; or

(ii) to pay the workman, in any case where the offence relates to non-compliance with an order made under section 6A, the sum of money specified in such order."