



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

MATERNITY BENEFITS (AMENDMENT)
ACT, No. 13 OF 1978

[Certified on 5th December, 1978]

Printed on the Orders of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of December 29, 1978

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA.

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO.

Price: 30 cents

Postage: 25 cents

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L. D.—O. 49/77.

AN ACT TO AMEND THE MATERNITY BENEFITS
ORDINANCE

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

1. This Act may be cited as the Maternity Benefits (Amendment) Act, No. 13 of 1978.

Short title.

2. Section 4 of the Maternity Benefits Ordinance (hereinafter referred to as the "principal enactment") is hereby repealed.

Repeal of section 4 of Chapter 140.

3. Section 12 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 12 of the principal enactment.

"Liability to pay maternity benefits to be a first charge on assets.

12. The liability of an employer to pay any sum of money as maternity benefits to a woman worker employed by him in any trade shall be a first charge on the assets of that trade."

4. Section 12A of the principal enactment (inserted by Act No. 24 of 1962) is hereby amended by the repeal of subsections (1) and (2) of that section and the substitution therefor of the following subsections:—

Amendment of section 12A of the principal enactment.

"(1) The employer of more than a prescribed number of women workers in any trade shall establish and maintain, in accordance with regulations made in that behalf, a creche for children under five years of age, and shall allow any such worker who has in her care a child or children under five years of age, to leave such child or children in such creche during the hours when she is required to work for her employer.

(2) The Minister may, for the purposes of this section, prescribe a number for a trade or a branch of a trade, having regard to the number of women workers employed in, and the nature of the work a woman worker is required to perform in, such trade or such branch."

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Replacement of
section 12B
of the
principal
enactment.

5. Section 12B of the principal enactment (inserted by Act No. 24 of 1962) is hereby repealed and the following new section substituted therefor:—

“ Provision of
nursing
intervals
for nursing
mothers.

12B. The employer of a woman worker in any trade shall, if she is nursing a child under one year of age, allow her, in any period of nine hours, two nursing intervals at such times as she may require. Each interval shall, where a creche or other suitable place is provided by such employer to such worker for nursing such child, be not less than thirty minutes, and, where no creche or other suitable place is so provided, be not less than one hour, and shall be in addition to any interval provided to such worker for meals or rest under any written law and be regarded, for the purposes of her employment, as time during which she has worked in her employment.”.

Amendment of
section 14
of the
principal
enactment.

6. Section 14 of the principal enactment is hereby amended by the repeal of subsections (1) and (1A) of that section and the substitution therefor of the following subsections:—

“(1) The Commissioner or any special officer shall have the power—

(a) to enter and inspect at all reasonable hours by day and night for the purpose of ascertaining whether the provisions of this Ordinance have been complied with, any premises or place in which women workers are employed in any trade ;

(b) to examine any register of women workers required by any regulation to be maintained by the employer of such workers ;

(c) where any such register is not available for examination at the time of the inspection of such place or premises, to require the production of that register for examination at his office or at such place or premises ; and

(d) to interrogate any person whom he finds in any such place or premises and whom he has reasonable cause to believe is the employer of women workers in the trade carried on therein or is a worker employed therein.

(1A) It shall be the duty of the employer of women workers in any trade carried on in any place or premises to furnish the information required by the Commissioner or a special officer in inquiries made from that employer, for the purposes of ascertaining whether the provisions of this Ordinance have been complied with, during an inspection of such place or premises."

7. Section 15 of the principal enactment is hereby amended in subsection (2) of that section by the substitution, for paragraph (c) of that subsection, of the following new paragraph:—

Amendment of section 15 of the principal enactment.

"(c) the inspection of premises and places in which women workers are employed in any trade;"

8. Section 18 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 18 of the principal enactment.

" Prosecutions to be instituted within six years of date of offence.

18. No court shall take cognizance of, or convict a person for, any offence against this Ordinance or any regulation made thereunder, unless complaint thereof has been made within six years of the date on which the offence was committed. In computing the period of six years aforesaid, the time, if any, taken for the purpose of obtaining the previous sanction of the Commissioner shall be excluded."

9. Section 21 of the principal enactment is hereby amended as follows:—

Amendment of section 21 of the principal enactment.

(a) by the substitution for the definition of "employer", of the following new definition:—

" "employer" means any person who on his own behalf employs or on whose behalf any other person employs any

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woman worker ; and includes any person who on behalf of any other person employs any woman worker ;';

(b) by the substitution, for the definition of "employment" of the following new definition:—

' "employment" with its grammatical variations and cognate expressions means, when used with reference to a woman or a woman worker, employment in any trade;';

(c) by the insertion, immediately after the definition of "employment", of the following new definition:—

' "office" has the same meaning as in the Shop and Office Employees (Regulation of Employment and Remuneration) Act;';

(d) by the omission of the definitions respectively, of "estate", "factory", "mine" and "prescribed establishment";

(e) by the insertion, immediately after the definition of "regulation", of the following new definition:—

' "shop" has the same meaning as in the Shop and Office Employees (Regulation of Employment and Remuneration) Act;';

(f) by the insertion, immediately after the definition of "special officer", of the following new definition:—

' "trade" includes any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or a worker, and any branch of, or any function or process in, any trade, but does not include any industry, business or undertaking which is carried on mainly for the purpose of giving an industrial training to juvenile offenders or orphans or to persons who are destitute, dumb, deaf or blind;';
and

(g) by the substitution, for the definition of "woman worker", of the following new definition:—

' " woman worker " means a woman (other than a woman employed in or about the business of a shop or an office or a woman whose employment is of a casual nature) employed on wages in any trade, whether such wages are calculated by time or by work done or otherwise and whether the contract of employment or service was made before or after the commencement of this Ordinance, and whether such contract is expressed or implied, oral or in writing.'

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