

PARLIAMENT OF CEYLON

2nd Session 1961-62



Maternity Benefits (Amendment) Act, No. 24 of 1962

Date of Assent : June 16, 1962

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AN ACT TO AMEND THE MATERNITY BENEFITS
ORDINANCE.

[Date of Assent: June 16, 1962]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Maternity Benefits (Amendment) Act, No. 24 of 1962.

Short title.

2. Section 4 of the Maternity Benefits Ordinance (hereinafter referred to as the principal enactment), as amended by Act No. 6 of 1958, is hereby amended as follows:—

Amendment of
section 4 of
Chapter 140.

(1) in sub-section (1) of that section, by the substitution, for the expression "of the notice required by section 7 (2).", of the expression "of her confinement."; and

(2) by the insertion, immediately after sub-section (1) of that section, of the following new sub-section:—

“(1A) For the purpose of reckoning the one hundred and fifty days referred to in sub-section (1), a woman worker shall be deemed to have worked on—

(a) the days on which she was not provided with work by her employer;

(b) the holidays to which she was entitled under any written law;

(c) the days of her absence on leave granted by her employer or allowed by or under any written law;

(d) the days of her absence due to any injury to her caused by, or arising out of, or in the course of, her employment;

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(e) the days of her absence due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance; and

(f) the days, not exceeding thirty, of her absence due to any strike or lock-out that is not illegal."

Amendment of section 5 of the principal enactment.

3. Section 5 of the principal enactment is hereby amended as follows:—

(a) in sub-section (3) of that section, by the substitution,—

(i) for the expression "female labourers", of the expression "women workers"; and

(ii) for the expression "female labourer" occurring in paragraphs (a) and (b) of that sub-section, of the expression "woman worker";

(b) in sub-section (4) of that section, by the substitution, for the expression "female labourer", of the expression "woman worker"; and

(c) in sub-sections (5) and (6) of that section, by the substitution, for the expression "female labourers", of the expression "women workers".

Amendment of section 8 of the principal enactment.

4. Section 8 of the principal enactment is hereby amended, by the addition, at the end of that section, of the following:—

"The provisions of this section shall apply in relation to the woman whether or not she has given notice of her confinement to her employer under section 7 (2)."

Insertion of new sections 12A and 12B in the principal enactment.

5. The following new sections are hereby inserted, immediately after section 12, and shall have effect as section 12A and section 12B, of the principal enactment:—

"Establishment and maintenance of creches.

12A. (1) The employer of more than a prescribed number of women workers in any mine, estate, factory or prescribed establishment shall establish and maintain, in accordance with regulations

made in that behalf, a creche for children under six years of age, and shall allow any such worker who has in her care a child or children under six 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 prescribed number for the purposes of sub-section (1) may differ in respect of different classes of mines, estates, factories or prescribed establishments.

(3) Regulations may be made for the purpose of securing the proper maintenance and administration of creches provided under this section, and generally for securing the health, safety and proper care of the children in such creches.

(4) Without prejudice to the generality of the powers conferred by sub-section (3), regulations may be made prescribing the conditions which shall be complied with in relation to creches provided under this section, including conditions as to—

- (a) the situation, construction, maintenance and cleanliness of such creches;
- (b) the minimum size of the wards or rooms of such creches and the minimum floor space therein which shall be allowed for each child;
- (c) the provision of adequate washing, latrine and other facilities for those using such creches; and
- (d) the equipment and staff of such creches.

Provision
of nursing
intervals
for nursing
mothers.

12B. The employer of a woman worker in any mine, estate, factory or prescribed establishment 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 time as

she may require. Each nursing 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 all the purposes of her employment, as time during which she has worked in her employment."

Amendment of section 13 of the principal enactment.

6. Section 13 of the principal enactment is hereby amended as follows:—

(a) in sub-section (1) of that section, by the substitution,—

(i) for the expression "Commissioner may", of the expression "Commissioner or any special officer";

(ii) for the expression "Ordinance, and", of the expression "Ordinance or a copy of the whole or a part of any such register of women workers as he may be required by any regulation to maintain, and"; and

(iii) for the expression "return to the Commissioner", of the expression "return or copy to the Commissioner or that special officer"; and

(b) in the marginal note to that section, by the substitution, for the word "information.", of the words "information or copies of registers of women workers."

Amendment of section 14 of the principal enactment.

7. Section 14 of the principal enactment is hereby amended as follows:—

(A) by the repeal of sub-section (1) of that section and the substitution therefor of the following sub-section:—

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

(a) to enter and inspect at all reasonable hours by day or night, for the purpose of

ascertaining whether the provisions of this Ordinance are being complied with, any factory, estate, mine or prescribed establishment where women workers are employed;

(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 factory, estate, mine or prescribed establishment, to require the production of that register for examination at his office or at such factory, estate, mine or prescribed establishment; and

(d) to interrogate any person whom he finds in such factory, estate, mine or prescribed establishment and whom he has reasonable cause to believe is the employer of the women workers employed therein or is a worker employed therein.”; and

(B) by the insertion, immediately after sub-section (1) of that section, of the following sub-section:—

“(1A) It shall be the duty of the employer of women workers in any factory, estate, mine or prescribed establishment to furnish the information required by the Commissioner or a special officer in inquiries made from that employer, for the purpose of ascertaining whether the provisions of this Ordinance are being complied with, during an inspection of such factory, estate, mine or prescribed establishment.”.

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Amendment of
section 15 of
the principal
enactment.

8. Section 15 of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the expression "this Ordinance.", of the expression "this Ordinance, or in respect of all matters for which regulations are required or authorised to be made under this Ordinance."