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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 243/37 — 1976 දෙසැම්බර් 17 වැනි සිකුරාදා — 1976.12.17

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PART I: SECTION (I) — GENERAL

Government Notifications

P. O. No. W. 68 (70)/76.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance, upon the recommendation of the Prime Minister.

W. GOPALLAWA,
President.

President's Office,
Colombo, December 17, 1976.

Regulations

1. These regulations may be cited as the Emergency (Private Sector) Special Allowance Regulations.
2. (1) The Commissioner shall be the Competent Authority for the purposes of these regulations.
(2) The Competent Authority may delegate to any officer of the Labour Department any power, function or duty conferred or imposed on such authority by these regulations.
3. The provisions of these regulations shall have force and effect notwithstanding anything in any other written law or in any contract of employment whether oral, written, expressed or implied ; and accordingly in the event of any conflict or inconsistency between the provisions of these regulations and such other law or contract the provisions of these regulations shall prevail over any such law or such contract.
4. (1) On or after April 1, 1974, every employer, in any trade, of a worker whose total earnings for the month do not exceed eight hundred rupees shall in respect of each month including the month of April 1974, pay to such worker an allowance calculated on the following basis :
 - (a) where such worker is a worker whose salary or wages are regulated by any written law, an allowance which not less than twenty per centum of the wages or salary due to such worker for the month, if he is a worker remunerated at a monthly rate and not less than twenty per centum of his daily wage for each day worked for the month, if he is a worker remunerated at a daily rate ;
Provided, however, that the amount payable under these regulations shall not exceed fifty rupees per month.
 - (b) where such worker is a worker whose salary or wages are not regulated by any written law, the allowance payable under these regulations shall be an amount not less than twenty per centum of the salary due to such worker for the month, if he is a monthly-paid worker and not less than twenty per centum of the daily wage due to such worker for each day worked for the month, if he is a daily-paid worker ;
Provided, however, that the amount payable under these regulations shall not exceed fifty rupees per month.
 - (c) where such worker is a worker who is employed for the first time, on or after December 1, 1974, and whose salary or wages are not regulated by any written law, the allowance payable under these regulations shall be an amount not less than twenty per centum of the salary due to such worker for

the first month if he is a monthly-paid worker, and not less than twenty per centum of the wage due to such worker in respect of each day worked during the first month of employment if he is a daily-paid worker ;

Provided, however, that the amount payable under these regulations shall not exceed fifty rupees per month.

- (d) (i) where such worker is employed on a piece rate the allowance payable to him under these regulations shall be a sum not less than twenty per centum of the wages due to him at such piece rate during the month ;

Provided, however, that the amount payable under these regulations shall not exceed fifty rupees per month.

- (ii) where a worker is employed on a piece rate basis for the first time on or after December 1, 1974, the amount payable to him under these regulations shall be a sum not less than twenty per centum of the wages due to him on a piece rate for his first month of employment ;

Provided, however, that the amount payable under these regulations shall not exceed fifty rupees per month.

(2) Every employer of a worker whose total earnings for the month exceed eight hundred rupees, but are less than eight hundred and fifty rupees shall, in respect of each month including the month of April 1974, pay to such worker as allowance an amount equivalent to the difference between eight hundred and fifty rupees and the amount drawn by the such worker as salary or wages for that month.

5. Where any worker referred to in regulation 4 is paid—

- (i) a non-recurring Cost of Living Gratuity in accordance with or on the basis of the provisions of any Collective Agreement, or in terms of an order made by the Minister under Section 10 (2) of the Industrial Disputes Act ; or

- (ii) a Cost of Living Allowance determined in accordance with the Colombo Consumers' Index, the employer may deduct from the amount payable to such worker as such gratuity or such allowance, as the case may be—

(a) where the total earnings of such worker for the month do not exceed four hundred rupees, an amount equivalent to ten per centum of the salary or wages of such worker or a sum of thirty rupees whichever is less ; and

(b) where the total earnings of such worker for the month exceed four hundred rupees, a sum of fifty rupees.

6. The amount payable under these regulations to any worker in any trade shall for the purposes of any written law be deemed to constitute part of his wages and accordingly the employer shall pay such sum within the period he is liable to pay the wages of such worker.

7. Every worker who has been employed by any employer in any trade immediately prior to April 1, 1974, shall for as long as he continues to be a worker of such employer be so continued to be employed by such employer on such terms and conditions relating to salary, allowance or other payments in money by whatsoever name of designation called as are not less favourable than those which such worker had enjoyed on the day immediately prior to April 1, 1974, and the allowance payable under these regulations shall be in addition to such salary, allowance or other payments.

8. Upon the conviction by a Court of an employer for an offence by reason of the failure of such employer to pay any sums required to be paid to a worker under regulation 4, the Court may in addition to any other penalty it may have imposed for such offence order such employer to pay such sum to such worker within a period specified in such order and if such sum is not, so paid, such sum may be recovered on the order of Court as if it were a fine imposed by the Court.

9. In these regulations, unless the context otherwise requires—

“ Commissioner ”, “ employer ” and “ wages ” shall have the same meanings respectively as in the Wages Boards Ordinance (Chapter 136) ;

“ Collective Agreement ” shall have the same meaning as in the Industrial Disputes Act ;

“ earnings ” shall have the same meaning as in the Employees Provident Fund Act, No. 15 of 1958 ;

“ trade ” includes any industry, business, undertaking, occupation, profession or calling carried on, performed or exercised by an employer or 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 by any body corporate or unincorporate whose capital is wholly provided by the Government in its capacity as an employer or which is carried on mainly for the purpose of giving an industrial training to juvenile offenders or orphans or the persons who are destitute, dumb, deaf or blind ;

“ worker ” means a person employed by any employer under a contract whether oral, written, expressed or implied to perform any work in any trade, industry, business, occupation or calling, but does not include a domestic servant or an employer's personal chauffeur.