

#	Question	Answer	Continuation...
	What is your question about?	<ol style="list-style-type: none"> 1. Employee's Provident Fund 2. Termination of Employment 3. Industrial Disputes 4. Trade Unions 5. Maternity Benefits 6. Employment of children 7. Employment of Women at night work 8. Industrial safety & occupational hygiene 9. Social dialogue 	
01	What is Employees' Provident Fund?	It is a fund, which established under Act No 15 of 1958 with the prime objective of ensuring a financially secured retirement life for employees in private and semi government sector in Sri Lanka.	
02	Are you an employer? / An employee?		
02(a) If an employee,			
1.	Who have the entitlement to register in Employees' Provident Fund?	<ul style="list-style-type: none"> • Permanent, Apprentice, Temporary and casual employees who receive the Pay on monthly, half-monthly, weekly or daily basis. • Employees who receive payments on Piece rate, Commission basis, Contract basis or quantum of work basis. • All marks of employees from labour grades to Management grades. • Local employees or those who have come from abroad and engage in employment locally. • Those who have obtained their EPF benefits once & are now re-employed. 	

2.	When should membership of the Employees' Provident Fund be obtained?	You are entitled to the membership of the Employees' Provident Fund from the very first day of your employment.	
3.	How to register with Employees' Provident Fund?	After joining an establishment, you should give your particulars to your employer in order to register you with Employees' Provident Fund without delay, through a set of Forms ABH. Please obtain "B" Form from your employer when you leave the employment.	<ul style="list-style-type: none"> • According to National Identity Card, Birth Certificate & Marriage Certificate, you should provide only the correct particulars relevant to the date fill in the form. By providing incorrect particulars you may face difficulties at the time of obtaining benefits. • Registered "B" Form should be kept with the employer. In addition, it would be useful to keep with you an Appointment Letter, Service Certificate, Pay Slips, Employee Card or any other testimony obtained from the establishment to prove your employment.
4.	How to register under Electronic Finger Print & National Identity Card Number, the members who have already registered through "B" Form?	<ul style="list-style-type: none"> • You can register yourself under Electronic Finger Print / National Identity Card Number by calling over to Sub Labour Office / District Labour Office together with a letter obtained from employer certifying your Name, EPF Number, NIC Number, your specimen signature and copy of the National Identity Card certified by the employer. • Even though you have served in several establishments, you need these registrations only on one occasion. It is sufficient 	<ul style="list-style-type: none"> • Through this registration, you are able to check your balance in your account and all the other particulars, by calling over to any Labour Office. • Obtaining EPF benefits & all the future activities are made easier by this registration.

		to enter National Identity Card number by all the other establishments when deposit EPF contributions through C-returns & register through ABH Forms.	
5.	How to amend the registered particulars?		
5(a)	If there is a discrepancy in name?	<p>All the following documents and the original of "B" Card (If any) should be produced to the Labour Office of the area.</p> <ul style="list-style-type: none"> • The letter of request of the establishment (It should be under the letter head of the establishment) addressed to Assistant Commissioner of Labour of the area, stating the EPF number; presently registered name; correct name & certifying that all the names referred to the one & the same person. • A copy of Birth Certificate (Certified by the Establishment) • Original of Result of search of Registers (in the absence of a Birth Certificate). • A copy of the National Identity Card (certified by the Establishment) • Finger Print (it is obtained at the Labour Office) • Letter of request of the member. 	<p>In the event of above documents are not sufficient to prove the membership, the documents requested by the Assistant Commissioner of Labour should be produced.</p> <ul style="list-style-type: none"> • The original of Birth Certificate, in addition to above documents if your name has been amended in Column - 13 of the Birth Certificate. • The original of Marriage Certificate, if the name change is upon your marriage.
5(b)	If there is a discrepancy in registration numbers,	<p>All the following documents & the original of "B" card should be produced to the Labour Office of the area in which your establishment is situated.</p> <ul style="list-style-type: none"> • A Letter obtained from the establishment as mentioned in above 5(a), clearly stating the numbers to be amended (with correct & incorrect numbers) • Letter of request of the member. • The original of "B" card (if any) 	<ul style="list-style-type: none"> • When amending a registered to another number, if other member has been already registered under that number through AH, the number in AH which is to be removed should also be mentioned in the said letter. • A new set of ABH form should be submitted herewith if the member,

		<ul style="list-style-type: none"> • A copy of National Identity Card (Every time) • Original of "C" returns or copies certified by the employer. 	whose number is to be amended, does not have registered AH.
5(c)	If there is a discrepancy in National Identity Card Number,	<p>All the following documents & the original of "B" card (if any) should be produced to the Labour Office of the area in which your establishment is situated.</p> <ul style="list-style-type: none"> • A letter from your establishment mentioning correct particulars, if the number has been entered erroneously by the establishment; a letter from the Department for Registration of persons; a copy of the National Identity Card; a letter of request of the member; particulars of the person whose number has been presently entered & a copy of the National Identity Card. 	<ul style="list-style-type: none"> • A letter from the Department for Registration of persons, & a copy of the National Identity Card, if the mistake is made by the Department for Registration of person.
6.	How to correct a discrepancy in member particulars when establishments are closed down?		
6(a)	If it is to withdraw benefits,	<p>Under mentioned documents should be handed over to the Labour Office in the area together with the claim application.</p> <ul style="list-style-type: none"> • The letter of indemnity certifying that the establishment has been closed down (The format can be obtained from the Labour Office of the area) • A copy of the National Identity Card and a copy of Birth Certificate • "B" card (if any) • Letter of request of the member. • An affidavit. (Including name, address, Employees' Provident Fund Number, National Identity Card Number, Name & address of the Establishment, the fact that the establishment has been closed down, & the service period.) 	<ul style="list-style-type: none"> • Marriage Certificate / Birth Certificate of the children or/Birth Certificates of the siblings (These documents are need to get confirmed the member) • Testimonies to prove the employment (Letter of Appointment, Service Certificates, other documents obtained from the establishment, pay slips, employee card)

6(b)	If it is to obtain 30% or loan or to get corrected the particulars,	<p>Under mentioned documents should be produced to the Labour Office in the area in which your establishment is situated.</p> <ul style="list-style-type: none"> • A letter of indemnity, certifying that the establishment has been closed down. (The format can be obtained from the Labour Office of the area) • A copy of the National Identity Card & copy of the Birth Certificate. • "B" card (if any) • Letter of request of the member. • An affidavit. (Including name, address, Employees' Provident Fund Number, National Identity Card Number, Name & address of the Establishment, the fact that the establishment has been closed down, & the service period.) 	<ul style="list-style-type: none"> • Marriage Certificate / Birth Certificate of the children or/Birth Certificates of the siblings (These documents are need to get confirmed the member) • Testimonies to prove the employment (Letter of Appointment, Service Certificates, other documents obtained from the establishment, pay slips, employee card)
7.	How to nominate a heir to your EPF Account?	Nomination can be made through from "H". (Form "H" has to be filled when fill in "ABH" forms)	
8.	How to nominate a valid heir?	<ul style="list-style-type: none"> • An unmarried person may nominate anyone. • A married person may nominate only spouse, his/her children, Mother, Father, his/her siblings. • Nominations made before marriage are cancelled after marriage. 	
9.	How to change a nomination?	<p>The following documents should be submitted.</p> <ul style="list-style-type: none"> • Form I & J (should be obtained from the Labour Office of the area) • Member statement (This statement is obtained at the Labour Office of the area) 	<p>Forms should be filled separately for each establishment.</p> <ul style="list-style-type: none"> • You should hand over the above documents to the Labour Office of the area in which the establishment is situated, in order to amend nominees.

		<ul style="list-style-type: none"> • Birth Certificate & National Identity Card of the member.(Should be certified by the establishment or Labour Office) • Copies of Birth Certificate / National Identity Cards of the nominees. • If married, copy of the Marriage Certificate. • If divorced, the Divorce Certificate. 	<ul style="list-style-type: none"> • When the establishment is closed down, a Justice of the Peace / an Attorney at Law should certify as the witness on Form I & J.
10.	How to obtain housing loan from Employees' Provident Fund?	<p>If you are currently contributing to the Fund, 75% of the balance in your EPF Account / If you are not currently contributing to the Fund, 50% of the balance in your EPF Account can be obtained as loan for the following housing purposes.</p> <p>(Website Link)</p>	<ul style="list-style-type: none"> • To purchase a land • To purchase a land with a house • To build a House • Effect improvements to a house • To redeem land / house from mortgage • The relevant application form & information should be obtained from the Labour Office of the area in which your land / house is located.
11.	Can obtain 30% benefits from Employees' Provident Fund?	<ul style="list-style-type: none"> • Being currently employed. • Have been made contributions to the Fund for a period not less than 10 years. • Possessing a sum not less than three hundred thousand rupees (Three lakh) to the credit of the member account. 	<p>If you fulfill these qualifications, you can obtain necessary instructions & relevant application form by calling over to Head Office at Narahenpita or to the nearest Zonal Labour Office along with your all EPF numbers & National Identity Card.</p>
12.	For which purposes can 30% benefits be obtained?	<p>For housing & medical treatments.</p> <p>(Website Link)</p>	<p>Housing;</p> <ul style="list-style-type: none"> • The construction of a house on a land belonging to a member. • The purchase of a land for the construction of a house.

			<ul style="list-style-type: none"> • The purchase of a house. • The redemption of a mortgage on housing property. • The settlement of an outstanding balance of the housing loan received from a government approved bank. <p>Medical Treatment;</p> <ul style="list-style-type: none"> • Heart Surgery • By-pass Surgery • Treatment for Cancer including surgery • Kidney transplant or Surgery • Cesarean Operation • Hospitalization for not less than 14 days on account of an accident
13.	When can you claim refund of benefits?	<p>1. Upon completion of age;</p> <ul style="list-style-type: none"> • If a male, should have completed 55 years of age. (Employment should have been terminated) • If a female, should have completed 50 years of age. (Employment should have been terminated) <p>2. On grounds of marriage - For female employees;</p> <ul style="list-style-type: none"> • The marriage should have been registered within 03 months of leaving employment. • Should have left employment within 5 years of marriage. 	Necessary instructions & application needed to refund of benefits can be obtained by calling over to the Labour Office of the area.

		<p>3. On medical grounds; Obtain from Health 307 from a Medical officer of a Government Hospital & get the Form M with necessary instructions by producing form Health 307 to the Labour Office of the area.</p> <p>4. Upon receiving a permanent appointment in Government Service.</p> <p>5. Upon leaving to a foreign country for permanent residency.</p> <p>6. Upon restructuring of Government Corporations & Statutory Boards.</p>	
14.	How benefits of a deceased member can be obtained?	<ul style="list-style-type: none"> • If the deceased member unmarried, benefits will be paid to the nominee / in the absence of nomination, benefits will be paid to the heirs. • If the member married, benefits will be paid to valid nominee/ in the absence of nomination, benefits will be paid to spouse & / or children. 	<p>Application form & relevant information can be obtained by producing deceased member's EPF Numbers, National Identity Card (if any) / National Identity Card Number, Death Certificate to the nearest District Labour Office.</p> <p>(Website Link)</p>
15.	What are the facts that members should specially know?	<ul style="list-style-type: none"> • Keep your EPF number in safe custody. Please mention this number every time you visit Labour Office or inquire from it. • Make sure that B Card is registered. • At least once in a year, Please make sure through Central Bank of Sri Lanka that EPF contribution have been properly deposited. 	<p>If there is a discrepancy in the particulars at the Central Bank of Sri Lanka, please check whether a discrepancy is also there in the particulars on "B" card. If so, first get corrected the particulars on "B" card &</p>

		<ul style="list-style-type: none"> • Make sure that your particulars on "B" Card & at Central Bank of Sri Lanka are Correct according to the National Identity Card. • Please visit nearest Labour Office to obtain any information or instruction regarding the fund. • In respect of any issue on your EPF, please inform to the Labour Office of the area in which your establishment is located. 	thereafter the particulars at the Central Bank of Sri Lanka.
16.	What is the correct formation of EPF number?	<p style="text-align: center;">1234 / V / 2536</p> <p style="text-align: center;">Employer Number / District Letter / Member Number</p>	
02(b) If you an Employer,			
1.	What is the importance of joining the fund as an employer?	<ul style="list-style-type: none"> • By registering your establishment & your employees with the Employees' Provident Fund, the employees will trust your establishment & they will have a sense of stability on their employment. As a result will create sound employer - employee relationship. • Recognizing your establishment as an establishment operating in a lawful manner by the Government, Commercial Banks and other Institutions & before the law. 	
2.	How should an establishment be registered in the Fund?	<p>For registration, first obtain the following forms from the Labour Office at Narahenpita or from the nearest District Labour Office. Thereafter fill them in & hand over to one of the said offices.</p> <ul style="list-style-type: none"> • 02 of Form "D" 	

		<ul style="list-style-type: none"> • 02 of Form "D" annexures in addition to Form "D", if the number of employees in the establishment is less than ten(10). • A list including employee's name & address; age; type of employment; salary & the date enter into employment, if the number of employees in the establishment is more than ten (10). 	
3.	How should forms ABH be filled?	<p>According to employee's National Identity Card, Birth Certificate, & Marriage Certificate you should include only the correct particulars relevant to the date fill in the forms. Provision of incorrect particulars may cause inconveniences to the employee & you as well, at the time of obtaining benefits.</p> <ul style="list-style-type: none"> • Registered "B" Card should be kept with you, & it should be handed over to the employee when he/she leave employment. • An employee must be registered in the Employees' Provident Fund through ABH within 14 days of joining. 	<ul style="list-style-type: none"> • It is important to obtain clear impressions of fingerprints when placing fingerprints on form "A", "B" & "H". <p>A-Employee's Record Card B-Employee Certificate H-Nomination</p>
4.	What is the procedure for registration of electronic fingerprint and National Identity Card?	<p>A letter from employer certifying employee's name; E.P.F. number; NIC number; Specimen signature and a copy of the employee's National Identity card certified by employer should be first given to the employee. Thereafter the employee himself should submit said documents to the head office or to the Labour office of the area.</p>	
5.	How to assign a membership number to employees?	<ul style="list-style-type: none"> • When an establishment is registered with the fund, the Commissioner of Labour will give the employer number • In registering employees under that number, they should be assigned numbers in consecutive order. Eg:- 01, 02, 03 	<ul style="list-style-type: none"> • A membership number assigned to an employee should be unique only to him.

		<ul style="list-style-type: none"> • Contributions to the Central Bank of Sri Lanka should be made under the membership number in ABH forms 	<ul style="list-style-type: none"> • If an employee leaves the employment in your establishment and returns to it at some other stage, he should be assigned a new membership number.
6.	What are the main records should be maintained by an employer?	<ul style="list-style-type: none"> • Register of members • Pay sheets • Receipts issued by the Central Bank • "C" returns 	
7.	How to calculate the amount of Contribution to be made by an employer?	Amount of contributions is calculated based on the monthly total earnings of an employee.	
8.	What are the earnings?	<ul style="list-style-type: none"> • Salary, wages or fees • Cost of living allowance, special living allowance and any other similar allowance • Payments made in respect of holidays • Food allowance 	<ul style="list-style-type: none"> • Payment made to employees who work on piece rate. • Cash value of cooked or uncooked food supplied to the employees who work in scheduled work places such as hotels and restaurants. • Commission
9.	How much is the amount of contribution calculate based on earnings?	A total monthly contribution of 20% [8% of employee's total monthly earnings (deducted from his monthly salary) + An amount equivalent to 12% of the employee's monthly total earnings (added by you)] should be sent to Central bank of Sri Lanka before the last working day of the following month.	
10.	How to make contribution to Employee's provident Fund by an employer?	<ul style="list-style-type: none"> • Establishments with more than 50 employees should compulsorily send contributions and details to Employee's Provident Fund monthly, through Electronic return method. 	Information in this regard can be first obtained through Central Bank of Sri Lanka and E- mail epfc3@cbsl.lk or

		<ul style="list-style-type: none"> • Establishments with less than 50 employees should send "C" returns & contributions to Employees' Provident Fund monthly, through cheque / money order method or electronic return method. 	Telephone numbers 011 2477916/ 011 2477981
11.	what is the result of not being able to make contributions on or before the due date, by an employer?	Contributions of a particular month should be received by the Central Bank of Sri Lanka on or before the last working day of the following month. For delays, a surcharge should also be paid as follows based on the period in delay.	<ul style="list-style-type: none"> • If the delay is from 1 day up to 10 days - 5% of the amount of the contribution. • If the delay is from 10 days up to 01 month - 15% of the amount of the contribution. • If the delay is from 01 month up to 03 months - 20% of the amount of the contribution. • If the delay is from 03 months up to 06 months - 30% of the amount of the contribution. • If the delay is from 06 months up to 12 months - 40% of the amount of the contribution. • If the delay is more than 12 months - 50% of the amount of the contribution.
12.	What is the impact of no payment of contributions to the Fund by an employer?	Every employer shall be subjected to rules & regulations relating to employment of employees un an establishment. Accordingly, you are bound to act according to Employees' Provident Fund Act. Even with the consent of the employees, you are not allowed to refuse making contributions to the Fund.	If it is revealed that you are not making contributions to the fund in the event of your establishment is inspected by an officer of the Department or made a complaint by an employer who is in

			<p>service under you or who has left your establishment,</p> <ul style="list-style-type: none"> • You will become an offender before the law as an employer who does not act according to the law, and thereby your establishment will earn a disputation. • You will have to pay the employee's contribution of 8% too, in addition to your contribution of 12% from the date you employed relevant employees. • Further, according to the time period in delay, you will have to pay a surcharge in lump sum.
01	What instances can be considered as termination of employment under the Termination of Employment Act?	<ul style="list-style-type: none"> • Termination of employment upon any other reason except a disciplinary reason. • Non employment of employee by his employer whether temporarily or permanently. • Non employment of employee in consequence of the closure by his employer of any trade, industry or business. 	Termination of Employment of workmen (Special provisions) Act No 45 of 1971.
02	How to legally terminate the employment of an employee by an employer?	<ul style="list-style-type: none"> • By obtaining prior written consent of an employee; or • By obtaining prior written consent of Commissioner General of Labour. 	

03	Is there a time period to be made an application by an employee?	Yes. An employee should make an application within 06 months from the date of termination of his employment.	
04	Can a trade union make an application on behalf of the employee?	Yes. An application with employee's signature can be forwarded to Commissioner of Labour through a Trade Union.	
05	Can a Trade Union appear on behalf of the employee at a inquiry?	Yes. A Trade Union can represent its members at a inquiry.	
06	What are the qualifications need to fulfill to make an application under the Termination of Employment Act?	<p>Being an employee engaged in an employment covered by the below Acts.</p> <ul style="list-style-type: none"> • Shop & office employees act • Wages Boards ordinance (Employment in any trade which gazette under section 6.2 of this ordinance) • Factories ordinance 	<ul style="list-style-type: none"> • Being an employee who has completed minimum of 180 days during the first year of employment, as at the date of termination of employment. • Should be at least 15 employees in the establishment as at the date of termination of employment or during 06 months before that date. • Employment of the employee should have been terminated by the employer. A complaint can not be made in respect of an approved termination or a risk of termination in future.
07	Who are the employees can not apply for relief under Termination of Employment Act?	<ul style="list-style-type: none"> • Employees who have resigned from service. • Employees who served under fixed term contract of employment & terminated the employment at the end of the contract period. 	

		<ul style="list-style-type: none"> • Employees who retired upon reaching the retirement age mentioned in the contract of employment. • Employees who were dismissed from employment as a disciplinary punishment. • Employees engaged in Government Corporations, Statutory Boards, Statutory Authorities, and Establishments taken over by the Government, Provincial Councils, Local Government Authorities, & Cooperative Societies. 	
08	What are the instances can make an application by an employer under the Termination of Employment Act?	<ul style="list-style-type: none"> • For a layoff, when the establishment is in a temporary crisis. • To remove redundant employees. • To terminate the employment of employees when close down an establishment or a branch thereof. 	
09	What are the facts to be included in an application made by an employee or an employer?	<ul style="list-style-type: none"> • Full name of the employee. • Permanent Address • Date of appointment • Designation • Date of birth of the employee • Employees' Provident Fund Number • National Identity Card Number • Last drawn salary (if received other allowances in addition to basic salary, Please indicate basic salary & other allowances separately) • Correct name of the establishment • Correct address of the establishment (if possible, please attach a certified copy or photocopy of Form No 01 / Form No 20 relevant to registration of companies.) 	<p>When making an application by an employee, below mentioned facts should be included in addition to above facts.</p> <ul style="list-style-type: none"> • Date of termination of employment. • Reason for termination of employment. • Name & address of Director, Owner & Share - holder.

		<ul style="list-style-type: none"> • Retiring age applicable to the establishment. • Total number of employees in the establishment. • The nature of manufacturing in the establishment. • Contact Numbers. 																																			
10	<p>What is the role of Commissioner of Labour after receipt of an application?</p>	<ul style="list-style-type: none"> • After receipt of an application made by an employer for the permission to terminate the employment of an employee, the Commissioner of Labour will conduct an inquiry calling relevant parties. If there are just reasons to accept the request made by the employer, approval will be granted to terminate employment by paying compensation to the employee, which calculated according to compensation formula. If there are no just reasons to accept the request, the application will be rejected. • In the event of an application is made by an employee on the termination of employment, if it is proved at the inquiry that it is not an illegal termination according to the provisions in the Act, the application will be rejected. If it is proved that it is an illegal termination according to the provisions in the Act, the employee will be reinstated with salary or employer will be ordered to pay Compensation according to the Compensation Formula. 	<p>The compensation formula has been published in the Gazette Extra ordinary No 1384 / 07 dated 15.03.2005.</p> <p>Number of months salary to be paid as Compensation according to the Compensation Formula based on the service period.</p> <table border="1" data-bbox="1615 679 2119 1465"> <thead> <tr> <th>Service period as at the date of termination (Year)</th> <th>No of months salary to be paid as compensation</th> </tr> </thead> <tbody> <tr><td>1</td><td>2.5</td></tr> <tr><td>2</td><td>5</td></tr> <tr><td>3</td><td>7.5</td></tr> <tr><td>4</td><td>10</td></tr> <tr><td>5</td><td>12.5</td></tr> <tr><td>6</td><td>14.5</td></tr> <tr><td>7</td><td>16.5</td></tr> <tr><td>8</td><td>18.5</td></tr> <tr><td>9</td><td>20.5</td></tr> <tr><td>10</td><td>22.5</td></tr> <tr><td>11</td><td>24.5</td></tr> <tr><td>12</td><td>26.5</td></tr> <tr><td>13</td><td>28.5</td></tr> <tr><td>14</td><td>30.5</td></tr> <tr><td>15</td><td>32</td></tr> <tr><td>16</td><td>33.5</td></tr> </tbody> </table>	Service period as at the date of termination (Year)	No of months salary to be paid as compensation	1	2.5	2	5	3	7.5	4	10	5	12.5	6	14.5	7	16.5	8	18.5	9	20.5	10	22.5	11	24.5	12	26.5	13	28.5	14	30.5	15	32	16	33.5
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01	What is an Industrial Dispute?	Any dispute or difference between an employer/employers and a workman/workmen(including a trade union) connected with the followings; <ul style="list-style-type: none"> •An employment or a non employment •The terms or conditions of employment •A termination or a reinstatement in service 		
02	Can non-payment of EPF and Gratuity be categorized as industrial disputes?	No. Those are non-payment of statutory dues, which are having separate legal provisions to act upon.		
03	Give an examples for Industrial Disputes?	<ul style="list-style-type: none"> •Unfair demotions of work •Unfair refusals of promotions 		
04	Where should you complain for Industrial Disputes?	You should complain to the relevant district labour office where your working place is located.		

05	What is a twelve-one [12(1)] settlement?	If the Commissioner of Labour (or an authorized officer) succeeds in settling an industrial dispute, a memorandum setting out the terms of settlement shall be drawn up and signed by the relevant parties to the dispute; under the section 12(1) of the Industrial Disputes Act is known as 12(1) settlement.	
06	Why the Arbitration exists?	To resolve the industrial disputes which cannot be amicably settled by discussions.	
07	Who is an Arbitrator?	Arbitrator is an independent person officially appointed to settle an industrial dispute.	
08	What is the difference between the arbitration/arbitrator and the industrial courts?	While arbitrator is an independent person appointed by the minister in compulsory arbitration, industrial court is a panel appointed by the president.	
09	What is happening in and after the arbitration/ industrial court?	Parties to the dispute can lead their evidence in front of the arbitrator/panel of arbitrators. The decision of the arbitrator at the end of the legal proceedings known as “an award” Relevant parties are liable to execute the awards and the awards are executed via Magistrate Courts where the relevant parties are failed to execute.	
10	What is a Collective Agreement?	An agreement between an employer/employers and workmen/trade union/trade unions which relates to the terms and conditions of employment, privileges, rights, duties, etc.	
11	What are the unfair labour practices in Sri Lanka?	According to the section 32(A) of the Industrial Disputes Act , any employee cannot be forced to join or to withdraw from any trade union by employers,* and no employer shall refuse to bargain with a trade union which has in its membership more than 40 percent on whose behalf such union seeks to bargain.	*any employee cannot be harassed under the reasons of membership or engaging activities of trade unions.

12	What is a Labour Tribunal?	It is a preliminary type of court established under the Industrial Disputes Act , which is operating under the supervision of the Judicial Services Commission.	
01	What are the general conditions related to registration of a Trade Union?	<ul style="list-style-type: none"> •The number of members in the union should be 07 or more. •Should apply for registration within 03 months from the date of establishment of the union. •A Trade Union cannot be established jointly by employees in public sector & private sector. •Not less than 1/2 of the total officers of every Trade Union should be engaged or employed in the industry or occupation with which the trade union is connected. (Apply only to non governmental trade unions) 	
02	What are the documents needed to submit for registration of a Trade Union?	<ul style="list-style-type: none"> •Form "B" •Set of rules (extract of rules can be obtain together with Form "B") •The minutes of the inaugural meeting. (Should be signed by the secretary) •The sign-in sheet of the members who attended the inaugural meeting. 	The minutes of the meeting at which the members of the Trade Unions expressed their consent to be federated; the sign - in sheet of the members & Form "H" should be submitted in addition to above documents in the event of registration of a federation.
03	What are the facts to be specially considered in submitting documents for registration?	<ul style="list-style-type: none"> •Placing initial - by secretary on every completed place in Form "B" & set of rules of the Trade Union (If there are co-secretaries both of them should have been initialed.) •Affixing an uncanceled stamp to the value of Rs.5/= in the specified place on Form "B". •If it is a Trade Union of a private sector employees who work in different places of work, a list including address of the work places; employment of each employees; EPF numbers should be submitted having certified by the secretary. 	

04	How to inquire further information about Trade Unions?	<p>🏠 Assistant Commissioner of Labour, Trade Union Branch, 7th Floor, Department of Labour, Colombo - 05.</p> <p>☎ 0112369646</p> <p>📠 0112369646</p> <p>✉ dolteuc@slt.lk</p>	
05	What are the forms to be used in operation of a Trade Union?	<p>Registration of a Trade Union : Form "B"</p> <p>Submission of annual accounts report : Form "N"</p> <p>Amendment of rules of a Trade Union : Form "K"</p> <p>Change of the name of a Trade Union : Form "G"</p> <p>Change of an address of the office of a Trade Union : Form "J"</p> <p>Change of officers of a Trade Union : Form "L"</p> <p>Amalgamation of Trade Unions : Form "H"</p> <p>Notice of dissolution of a Trade Union : Form "I"</p>	For the above purposes, it is the responsibility of the secretary of the Trade Union to obtain the approval of the Registrar of the Trade Unions by producing prescribed form.
06	Whether issue a certificate on behalf of registration of a Trade Union?	Yes. After registration of a Trade Union, which has fulfilled prescribed qualifications, a registration certificate is issued to the secretary of the relevant Trade Union. Until it is proved that such certificate has been cancelled or withdrew, the relevant Trade Union shall be a valid Trade Union under the Trade Unions ordinance.	
07	What are the facts to be considered in submitting annual account reports to the Registrar of Trade Unions?	In every year, having balanced the accounts of the year ending on March, 31 & certified as "correct" by an Auditor approved by the Registrar of Trade Unions should be submitted as an Accounts Report on or before June 30. Further, the Accounts Reports should have been approved at the Annual General Meeting.	<ul style="list-style-type: none"> •Duly completed Form "N" •Placing signature by the Treasurer on a stamp of Rs. 5/= in the Part - "List of securities" on Form "N". •Certification of "List of securities" on Form "N" by a Justice of the Peace. •Placing signature & official seal by the Auditor on the specified place under the





			part "Auditor's Declaration" on Form "N".
08	Should the Registrar of Trade Unions be informed regarding change of officers in the Trade Union?	Yes. It is imperative to inform the Registrar of Trade Unions. If a change of officers occurred at an Annual General Meeting, it should be informed within 7 days to the Registrar of Trade Unions through Form "L". The minutes of Annual General Meeting & sign - in sheet should be submitted together with Form "L".	
09	What are the documents to be submitted in the event of change of rules of the Trade Union?	<ul style="list-style-type: none"> •Form "K" •The minutes of the Annual General Meeting / Special General Meeting at which the change of rules took place & the sign-in sheet with quorum. •A copy of old rules of the Trade Union. •Copy of changing paras / New rules. 	
10	How to change the name of a Trade Union?	The name of a Trade Union can not be changed at the discretion of a chairman / secretary or the Executive Board of the Trade Union. It can be changed at a General Meeting with the consent of members of not less than 2/3 of a registered Trade Union.	In addition to the documents to be submitted in the event of change of rules of a Trade Union, the Form "G" signed by the secretary & 7 members of the Trade Union, together with the Registration Certificate of the Trade Union should be submitted for the change of the name of a Trade Union. If the proposed name is identical with the name of any other existing Trade Union which has been registered, the Registrar of Trade Unions shall refuse to register the change of name.
11	What are the instances of Trade Unions being cancelled?	<ul style="list-style-type: none"> •Obtaining the Certificate of registration by fraud or mistake. 	

		<ul style="list-style-type: none"> •Being any of the objects or rules of the Trade Union unlawful. •Being Trade Union or executive board unlawful. •Willfully contravening the provisions of the receipt of a notice from the Registrar of Trade Unions. •Using the funds of the Trade Union in an unlawful manner. •The Trade Union has ceased to exist. 	
01	What is meant by maternity benefits?	Payment of wages in cash to a female worker for the number of days granted as maternity leave on account of her confinement.	
02	How to pay wages for maternity leave in cash?	<ul style="list-style-type: none"> •For a female worker who work on time rate - 6/7 of the wage she receives for a week will be paid according to the number of leave she is entitled. •For a female worker who work on piece rate - having calculated average daily wage of such female worker received during 6 months before her confinement, she will be paid 6/7 thereof according to the number of leave she is entitled. 	
03	How to grant maternity leave?	A twelve (12) weeks period of maternity leave is granted to a female worker in the event of giving to a live child, who is already having one living child or having no children presently. This twelve (12) weeks maternity leave can be taken in such a manner that 02 weeks before the confinement & 10 weeks after the confinement.	For subsequent confinements she is granted only 6 weeks. This 06 weeks period of maternity leave can be taken as 02 weeks before confinement & 04 weeks after confinement. In the event of giving birth to a dead child by a female worker, she is also granted 06 weeks period of leave.

04	How to reckon maternity leave?	When reckon the number of days for maternity leave, Sundays & holidays should also be included to it.	It is paid 6/7 of the wage as maternity benefits because Sunday also included to maternity leave.
05	To whom should the maternity benefits be paid?	To the female worker who gave birth to a child or to the person nominated by her.	In the event of a female worker passed away without such nomination, the maternity benefits should be paid to her legal heirs having counted the number of days up to the date she died.
06	Should inform earlier on the confinement in order to take maternity leave?	Yes. A female worker who wish to take 2 weeks maternity leave before the confinement should inform her employer the expecting date of her confinement, within one month before the confinement.	Similarly, after the confinement employer should be informed the same in order to grant the leave entitled after the confinement.
07	Is it need a document in proof of confinement?	Yes. It is sufficient to have a certificate obtained from the medical practitioner / midwife who attended at the confinement or the officer in-charge of the lying-in room / maternity ward in which the confinement took place or a certificate signed by any two persons who attended at the confinement. If the birth certificate of the child is available, it is quite enough for the purpose.	
08	What are the other reliefs receive under maternity benefits?	It is important to provide reliefs in respect of the protection of mother & child. Therefore, if a female worker give notice of her confinement within a period not more than 03 months from the expected date of her confinement, she should not be employed in a work which may be harmful to her & her unborn child. Similarly, within a period of 03 months after her confinement she should not be employed in a work which may be harmful to her.	
09	How to give nursing intervals after confinement?	A nursing mother should be granted 02 nursing intervals before noon & after noon by 01 hour for each, until her child complete the age of 01 year. These two intervals should be	A nursing mother should be granted two nursing intervals by half 1/2 hour for

		granted as she may require, in addition to any interval provided to her for meals & tea.	each, if a creche is provided by the employer.
10	How to pay maternity benefits to female workers employed in shops & offices?	For the first & second confinement which result in a live child, they are granted 84 days as maternity leave. For all the subsequent confinements, they are granted 42 days as maternity leave. In addition, they are also entitled to 1 1/2 weekly holiday, public & Poya holidays which fall during the said period of maternity leave.	They are entitled to full wage for all these leave.
11	What is meant by alternative maternity benefits?	The benefits which provided at the confinement of a female worker who work on an estate, which possesses the written certificate of Commissioner of labour & provides lying-in room / maternity ward facility.	
12	What are the benefits received by female worker who work on estates?	<ul style="list-style-type: none"> •A maternity ward / lying-in room facility for a period not less than 10 days. •Service of a midwife at the confinement. •Food during the period she remain in the maternity ward / lying-in room. •Cash payments made as lying-in room entitlements. 	
13	Are they paid full maternity benefits?	No. They are paid only 4/7 from ordinary maternity benefits since they are provided with other facilities.	
14	Does every female worker of a estate receive alternative maternity benefits?	No. Alternative maternity benefits are paid only if the employer has obtained a written certificate from the Commissioner of Labour to pay such benefits to female workers.	
15	Is it only for a female worker who is a resident on an estate shall have the entitlement to alternative maternity benefits?	No. A female worker who is a non-resident on an estate also has the entitlement, if such female worker, before her confinement, has informed the employer on her desire to receive alternative maternity benefits.	
16	Can the alternative maternity benefits be refused?	Can't. If refused, they will deprived of their right to receive any of maternity benefits.	

17	Can a pregnant mother be employed in overtime work?	A pregnant mother can't be employed, without her written consent, in overtime work during the period of pregnancy & until her child complete the age of 01 year after the confinement. Similarly, she can't be employed, without her written. Consent, in overtime work from the date of confinement up to 03 months if she has given birth to a dead child.	
01	What is the Act which prohibits employment of children?	Employment of women, young persons & children Act No 47 of 1956.	
02	Who is a child according to employment of women, young persons & children Act No 47 of 1956?	Any person who is under the age of 14.	
03	In what type of works can children be employed?	Children below the age of 14 years can not be employed in any work. Children below the age of 14 years can be employed by parent or guardian for light agricultural or horticultural work or similar work carried on by members of the same family before commencement of regular school hours or after the close of school hours.	
04	Can children be employed in domestic service?	Can't.	
05	Can a child be employed for a vocational training?	A child can be employed for a vocational training in any school or other institution supervised by public authority & imparting any technical education.	
06	Can children be employed in public performances?	Children can not be employed in public performances which charge a fee from audience.	Provided however, children can be employed in performances devoted for charitable purpose, or in performances presented by pupils of a government

			school or by pupils amateur dramatic society, without a fee.
07	Can children be employed in performances of dangerous nature?	Any person under 18 years should not be employed in performances of dangerous nature in which his life or limbs are endangered. Further, children can not be trained for such performances of dangerous nature.	According to the Act performances of a dangerous nature includes - all acrobatic performances & all performances as contortionist.
08	Can children be employed at sea?	Any child below the age of 15 years can't be employed in the service of a ship.	Provided however, children below the age of 15 years can be employed in the service of school ships or Training ships which approved & supervised by the government.
09	To whom should inform when you aware that a child is being employed?	To the Assistant Commissioner of Labour of the District Labour Office of the relevant area, or	 Commissioner of Labour, Women's & Children's Affairs Division, 7th Floor, Department of Labour, Colombo - 05.  0112587315 0112369297 0112368539 0112369800  0112369297  commwca@labourdept.gov.lk
10	What is the action to be taken against a person who employ children contrary to the provisions in Employment of women, young persons & children's Act?	On being convicted in a case filed in a Magistrate's Court, the respondent shall be subject to a fine not more than Rs. 10,000/= or imprisonment not exceeding 12 months or both.	Further, the respondent shall be ordered to pay a compensation to the child as decided by the magistrate.
01	What is meant by night work?	A period of 11 consecutive hours in between 10.00pm and 5.00am	

02	Is there a minimum age for a person to be employed in night work?	Yes. No person below 18 years can be employed in night work.	
03	Can women be employed in night work?	Yes. But the employer is obliged to obtain written permission from the Commissioner of Labour before employing women in night work. It is obligatory on the part of the employer to fulfill certain conditions before seeking such permissions.	
04	Can women be forced to do night work under those conditions?	No. No woman should be forced to do night work against her wish.	
05	Can those employed during the day be employed at night?	No. A woman employed in between 6.00am and 6.00pm on a particular day should not be forced to work after 10.00pm on the same day.	
06	What is the rate of payment to those employed in night work?	Every woman employed in night work should be paid not less than one and half times her normal wage.	Contributions to EPF should be made on such payments.
07	What are other facilities provided?	Rest rooms and refreshments should be provided to the women workers employed in night work by the employer and female wardens should be appointed to see to the welfare of women who work at night.	
08	Can women be employed in night duty daily?	No. No woman shall be employed more than 10 days in night duty during a month.	
09	Can work shifts be knocked off whilst women are being employed in night work?	They should be allowed to work throughout the night.	
10	Do these conditions apply to every woman employed in night work?	No. These conditions apply only to women employed in an industrial undertaking.	Not apply to; •Women holding responsible positions of managerial and technical character.

			<ul style="list-style-type: none"> •Women employed in health and welfare services who do not usually engage in manual work. •Women employed in an industrial undertaking in which only members of the same family are employed.
11	Until what time at night can a woman be employed in a shop or an office?	Up to 8.00pm	
12	Until what time at night can a woman be employed on night duty at a hotel or a restaurant?	Up to 10.00pm	
13	Can the employers who contravene night work conditions be dealt with under the law?	Yes. On being convicted in a case filed in a magistrate's court a punishment on the form of a fine not exceeding Rs.10,000/- or imprisonment not exceeding 1 year, or both such fine and imprisonment may be imposed.	
01	What are the services given by Industrial Safety Division of Department of Labour when enforcing Factories Ordinance?	<ul style="list-style-type: none"> •Registration of Factories, Construction Sites etc., in Industrial Safety Division. •Inspection of Factories, Construction sites etc., and give advises to maintain according to factories ordinance. •Building plan approval. •Investigation of accidents, diseases and incidents. •Complaint investigation. •Means of escape plan approval according to the submitted building plans. 	
02	How to register Factory building, construction site etc.,?	For this a Form CFIE – 4 along with building plans must be submitted to relevant DFIE office of the Industrial Safety Division. According to those forms by correcting the inadequacies of building plans will be approved and the organization will be registered.	

03	How to inform accident, diseases and dangerous occurrences?	<p>Whenever fatal accident occurred to a person employed in the factory, construction site etc., it must be informed immediately to the relevant DFIE office of the Department of Labour and followed by reporting through form 10 to relevant DFIE office of the Department of Labour.</p> <p>Whenever accident occurred inside a factory which causes employee unable for reporting to work for more than three days, must be reported by form 10 to relevant DFIE Office of the Department of Labour.</p> <p>In case of any person unconscious as a result of heat, exhaustion, electric shock or inhalation of irrespirable or poisonous fumes or gases, must be immediately reported by form 10 to relevant DFIE office of the Department of Labour.</p>	<p>In case of dangerous occurrences inside the factory according to section 62 of Factories Ordinance must be reported to relevant DFIE office according to form 12 of Factories Ordinance.</p> <p>In case of industrial diseases observed it must be reported to relevant DFIE office.</p>
04	How to get the Approval for Mean of escape inside the factory?	For this purpose, evacuation direction must be marked in the building plan, two copies of building plans must be submitted to relevant DFIE office along with details required and approval will be given by completion of inadequacies.	
05	How to get your factory inspected through Industrial Safety Division?	For this, a request must be made to relevant DFIE office and according to request, the factory will be inspected.	
06	How to maintain a boiler, steam receiver, gas receiver, and air receiver in your factory according to Factories Ordinance?	For this examination report must be obtain after the inspection of these equipment according to the periods given in Factories Ordinance from Authorized officers.	
07	How to maintain a hoist and lifts, chains ropes and lifting equipment, cranes and other lifting equipment in your factory according to Factories Ordinance?	For this examination report must be obtain after the inspection of these equipment according to the periods given in Factories Ordinance from competent person.	

08	How to maintain General Register?	For this purpose according to section 92 of Factories Ordinance a register must be maintained to record accidents, dangerous occurrences and industrial diseases.	
01	What is meant by Social Dialogue?	It is a tripartite dialogue method within a workplace which establish relationship between employer - employee & government, i.e. Industrial Relation.	
02	Why is Social Dialogue important?	A sound Industrial Relationship & Industrial Peace will be created through promotion of social dialogue between employer - employee parties in a workplace, paving way for workplace cooperation.	
03	How the government contribute for promotion of social dialogue?	On behalf of the government, Social Dialogue unit contributes for promotion of Social Dialogue involving as a facilitator - a mediator - an advisor in between employer-employee parties.	
04	What are the programmes conducted by Social Dialogue unit to promote Social Dialogue concept?	<ul style="list-style-type: none"> • Awareness programmes • Advisory Councils • All Island Social Dialogue Competition • News Magazine - " Kathikawa " 	<p>🏠 Assistant Commissioner of Labour, Social Dialogue & Workplace Cooperation Unit, 6th Floor, Department of Labour, Colombo - 05.</p> <p>☎ 0112586313 0112500065</p> <p>📠 0112586313</p> <p>✉ dolsocial@sltnet.lk</p>
05	How to select establishments in organizing establishment level programmes?	Priority is given to the establishments having industrial disputes, which identified according to the monthly reports obtained by Industrial Relations Division. Also, establishments are selected considering the requests made by the establishments.	