

**THE SHOP AND OFFICE EMPLOYEES  
(REGULATION OF EMPLOYMENT AND REMUNERATION)  
ACT, No. 19. OF 1954**

Regulations made by the Minister of Labour by virtue of the powers vested in him by section 66 of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, and approved by the Senate and the House of Representatives.

M.C.M. Kaleel,  
Minister of Labour.

Colombo,  
October 13, 1954.

**Regulations**

1. These regulations may be cited as the Shop and Office Employees (Regulation of Employment and Remuneration) Regulations, 1954.

**PART I  
REGULATION OF EMPLOYMENT**

[Gazette No.314  
of 21.4.1978.]

2. (1) No male who has not attained the age of 18 years and no female shall be employed in or about the business of any shop or office for any period (including overtime and an interval for rest or for a meal and any interruption permitted under regulation 4) exceeding 9 hours a day.

(2) No person employed in or about the business of any shop to which a closing order under section 40 of the Act is made applicable shall be employed in excess of 8 hours a day or 45 hours per week without the prior sanction of the Commissioner.

[Gazette No.111  
of 10.5.1974.]

3. Any female who has attained age of 18 years may be employed before 6. a.m. or after 6.p.m in any office maintained by an airline at an airport on the work of a ground hostess, or in any residential hotel on the work of a receptionist, ladies cloak-room attendant, ladies linen room attendant or ladies lavatory attendant.

[Gazette No.10,  
899 of 2.3.1956.]  
[Gazette No.12,  
553 of 21.7.1961.]

4. The continuity of the normal period during which any person is employed in or about the business of any residential hotel, club, theatre or other place of entertainment, or of any shop situated at an airport or of any office maintained by an airline at an airport or any boarding house or hostel attached to any educational establishment and used by the pupils of such establishment for the purpose of residing therein, on any day other than the day on which such person is allowed his weekly half holiday, may be interrupted by one interval not exceeding three hours duration exclusive of any interval for rest or for a meal allowed under the provisions of the Act.

5. Where any interval is allowed under regulation 4 to any employees, such employee shall not be required by his employer to remain in the premises of the shop or the employer; and such interval shall not be deemed to have been allowed to any employee during all the time during which such employee was present on any such premises, unless the employer proves that the employee was so present without the employer's consent expressed or implied, or for some purpose unconnected with his employment other than that of waiting for work to be given to him to be performed.

6. The period during which a person may be employed overtime in or about the business of any shop or office shall not exceed an aggregate of twelve hours in any one week.

7. No person shall be employed overtime in or about the business of any shop or office, unless he is paid separately for such overtime work in respect of each hour, at a rate not less than one and one-half times the hourly rate of his ordinary remuneration. The remuneration payable for any part of an hour of overtime work done by him shall be determined in the proportion that part bears to the hour.

8. For the purpose of computing overtime remuneration, the hourly rate of remuneration shall -

- (a) where remuneration is payable at a daily rate, be one-eighth of the daily rate,
- (b) where remuneration is payable at a monthly rate, be one-eighth of the monthly rate divided by thirty,
- (c) where remuneration is payable at a fortnightly rate, be one-eighth of the fortnightly rate divided by fourteen, and,
- (d) where remuneration is payable at a weekly rate, be one-eighth of the weekly rate divided by seven.

[Gazette No.11, 564 of  
24.10.1958.]

8A. For the purpose of computing overtime in respect of work done in any week by any employee in excess of the normal maximum period of 45 hours, any day in that week on which such employee was on leave or on holiday, whether such leave or holiday was granted under the provisions of the Act or of any other written law, shall be deemed to be a day on which such employee had worked for the normal maximum period fixed for a day under the provisions of section 3 of the Act or any regulation thereunder:

9. (1) For the purposes of regulation 8, the rate of remuneration payable to a person shall -

- (a) where determination under the provisions of the Act is in force be the remuneration specified in such determination, and
- (b) where no such determination is in force, or where such person is in receipt of remuneration more favourable than that applicable to him under any such determination, be the actual rate of remuneration payable to him in terms of his contract of employment.

(2) In computing the rate of remuneration for the purposes of this regulation, no allowance other than a special living allowance determined according to the cost of living shall be included.

10. (1) The prescribed officer for the purposes of section 12(1) of the Act shall be any one of the following officers:-

The Commissioner,  
A Deputy Commissioner,  
An Assistant Commissioner.

(2) Every permit under section 12(1) of the Act shall be substantially in Form A of the Schedule hereto.

11. (1) The prescribed officer for the purposes of section 14 of the Act shall be any one of the officers specified in regulation 10.

(2) The prescribed distance for the purposes of section 14 (1) (a) of the Act shall be fifty yards.

(3) Every certificate under section 14 (1) of the Act shall be substantially in Form B of the Schedule hereto.

(4) In the case of any shop or office where persons of both sexes are employed, no certificate under section 14(1) of the Act shall be issued unless separate sanitary conveniences and washing facilities are available within the prescribed distance for the exclusive use of the female employees of that shop or office.

12. The notice required to be given by the Magistrate under section 14 (6) of the Act in respect of any appeal -

- (a) shall be substantially in Form C of the Schedule, and
- (b) shall be served on the officer concerned personally or sent to him by registered post, at least fourteen days prior to the date of hearing of the appeal.

13. The prescribed officer for the purposes of section 15 of the Act shall be any one of the officers specified in regulation 10.

14. Every notice required to be exhibited under section 16(2) of the Act shall be substantially in Form D of the Schedule hereto and shall be kept exhibited in such manner that it can be readily seen and read by all persons affected by such notice.

15. (1) The particulars relating to the conditions of employment required to be furnished in terms of section 17 of the Act by an employer to the employee on the date of his employment shall include the following:-

- (a) The name of employee and designation and nature of the appointment.
- (b) The date on which the appointment takes effect.
- (c) The grade to which the person is appointed.
- (d) Basic remuneration and the scale of remuneration.
- (e) Whether remuneration is paid weekly, fortnightly or monthly.
- (f) Cost of living allowance, if any, and other allowances, if any.
- (g) (i) The period of probation or trial, if any, and the conditions governing such period of probation or trial.
  - (ii) Circumstances under which the appointment may be terminated during such probation or trial.
- (h) (i) Conditions governing the employment.
  - (ii) Circumstances and conditions under which the employment may be terminated.
- (i) Normal hours of work.
- (j) Number of weekly holidays, annually holidays, casual and privilege leave, which such person is entitled to.
- (k) Overtime rate payable.
- (l) Provision of medical aid, if any, by the employer.
- (m) The provision of and the conditions governing any provident fund, pension scheme or gratuity scheme applicable to the employment.
- (n) Prospects of promotion.

(2) All such particulars as aforesaid duly authenticated by the signature of the employer shall be given in writing to the employee in the language with which he is fully conversant; and the employee shall acknowledge receipt of such information on a duplicate to be retained by the employer.

16. Every record required to be kept by an employer under section 18(b) of the Act shall be substantially in Form E of the Schedule hereto and shall be kept correct up to date.

17. (1) Every employer shall maintain in respect of each employee-

- (i) a service record substantially in Form F of the Schedule hereto, and

(ii) a remuneration record containing the following particulars, for each period (month, fortnight or week, as the case may be, hereinafter referred to as the remuneration period) in respect of which remuneration is paid:-

- (a) Name of the employee;
- (b) Age;
- (c) Sex;
- (d) Class or grade, if any;
- (e) Category or designation or occupation;
- (f) Remuneration period (month, fortnight or week);
- (g) Number of hours of work performed during the remuneration period;
- (h) Number of hours of overtime work performed during the remuneration period;
- (i) Rate of remuneration payable;
- (j) Allowances payable (each allowance to be shown separately);
- (k) Gross remuneration earned for the remuneration period;
- (l) All deductions made from the gross remuneration (each deduction to be shown separately);
- (m) All advances made out of the remuneration during the remuneration period;
- (n) Contributions made by the employer and employee respectively in respect of the remuneration period, to any pension or provident fund;
- (o) The amount of balance remuneration paid and the date of payment;
- (p) The total amount of overtime remuneration paid in respect of each remuneration period;
- (q) The amount recovered under the Income Tax Ordinance or under any other written law or order of court;
- (r) Acknowledgement of the employee in proof of receipt of net remuneration.

(2) Every record referred to in paragraph (1) shall be kept up to date by the employer.

## PART II

### PAYMENT OF REMUNERATION

18. Deductions from the remuneration of an employee may be made by the employer in accordance with section 19(1)(a)(iii) of the Act in respect of -

- (1) any contribution which the employee desires to make to any pension fund, provident fund, insurance scheme, savings scheme or recreation club, approved in writing by the Commissioner and operated wholly or in part by the employer;
- (2) the price of any food or any article of food or any charges for lodging supplied or provided to the employee by his employer;
- (3) the rent of any house provided for the employee by the employer;
- (4) an amount required to be furnished as security by the employee, the amount of such deduction being not in excess of such percentage of the remuneration as may be approved by the Commissioner;



- (5) an amount approved in writing by the Commissioner as a charge for any amenities or services provided for the employee by the employer;
- (6) the price of any goods other than goods referred to in item (2), sold to the employee out of goods kept for sale by the employer at the place of employment or at any other place;
- (7) any fine imposed on the employee by the employer in respect of any of the following acts or omissions:-
  - (a) absence from the work without reasonable excuse;
  - (b) late attendance at work without reasonable excuse,
  - (c) causing damage to, or causing the loss of goods or articles belonging to the employer, such damage or loss being directly attributable to negligence, wilfulness or default of the employee,
  - (d) slacking or negligence at work,
  - (e) sleeping on duty,
  - (f) wilful failure on the part of the employee to comply with any lawful order given to him in relation to his work,
  - (g) theft of goods or articles belonging to the employer, or fraud or dishonesty in connection with the employer's business,
  - (h) intoxication during working hours,
  - (i) wilful insubordination or wilful breaches or discipline,
  - (j) incivility to any member of the public who attends the employer's premises for the transaction of business,
  - (k) malingering,
  - (l) interference with any safety devices installed in the employer's premises,
  - (m) distribution or exhibition inside the employer's premises, without the previous sanction of the person in charge of such premises, of hand bills, pamphlets, or posters, not relating to his employment,
  - (n) violation of instructions given for the maintenance of cleanliness in the employer's premises,
  - (o) smoking in any part of the premises where smoking is prohibited by the employer;
- (8) any loans taken by the employee from any fund managed wholly or partly by the employer;
- (9) any payment made by the employer to any other person at the instance of the employee in accordance with the provisions of section 19(1)(a)(ii) of the Act;
- (10) any interest chargeable on any loan referred to in item (8) or on any advance of money, made by the employer to the employee, the amount of such loan or advance being not less than the amount due to the employee as remuneration for the current remuneration period :

Provided, however, that -

- (a) in the case of any deduction referred to in item (3), the amount of such deduction shall -
  - (i) in a case where the rental value of such house has been assessed by the local authority in whose area such house is situated, not exceed such rental value, and

- (ii) in a case where no such assessment has been made, not exceed six *per centum* per annum of the capital expenditure incurred on such house;
- (b) in the case of any deduction referred to in item (7)-
  - (i) the aggregate amount of the deductions made in respect of such fines at any one time shall not exceed five *per centum* of the remuneration earned by the employee during the period during which such fines are imposed, and
  - (ii) the amount so deducted shall be applied by the employer for such purposes as are beneficial for the employees, being purposes approved in writing by the Commissioner; and
- (c) in the case of any deduction referred to in item (10), the interest charged shall not exceed six *per centum* per annum of the principal or of the amount advanced, as the case may be.

19. (1) No deduction from the remuneration of an employee shall be made by the employer in respect of any payment made by the employer at the instance of the employee to any other person in order to discharge any obligation of the employee or for any other purpose, unless the employee shall have made a written request in that behalf.

- (2) Every such request-
  - (a) shall state -
    - (i) the name and address of the person to whom such payment is to be made,
    - (ii) the amount to be paid,
    - (iii) the date on which the amount is to be paid, and
    - (iv) the purpose for which such payment is being made,
  - (b) shall be signed by the employee; and
  - (c) shall be made in the presence of two witnesses who shall subscribe their signatures thereto.

(3) The employer shall obtain from the person to whom such payment is made a duly signed receipt in respect of such payment; and such receipt shall be made available to the employee for inspection, if a request is made in that behalf by him.

20. After making any deduction in respect of any advance of money made to the employee by his employer, being an advance of money paid out of the remuneration payable to the employee for the remuneration period, the other deductions, if any, shall be made in the order of priority set out in regulation 18.

21. (1) Where deductions are made under the preceding provisions of these regulations from the remuneration of an employee, the employer shall -

- (a) in the case of any deduction in respect of any article sold to the employee, maintain a record containing -
  - (i) the name of the employee to whom such article was sold,
  - (ii) the date on which it was sold,
  - (iii) the price at which it was sold, and
  - (iv) the dates on which recoveries were made in respect of such sale;
- (b) in the case of any deduction in respect of any fine imposed by the employer, maintain a record containing-

- (i) the name of the employee,
  - (ii) the date on which the fine was imposed,
  - (iii) the reasons for the fine,
  - (iv) the amount of the fine imposed, and
  - (v) the dates on which recoveries were made in respect of such fine;
- (c) in the case of any deductions in respect of any security required to be furnished by the employee -
- (i) maintain a record of such deductions, and
  - (ii) furnish to the employee a receipt in respect of the amount so deducted; and
- (d) in the case of any deduction in respect of any moneys advanced to the employee by the employer, maintain a record containing -
- (i) the full name of the employee,
  - (ii) the amount of money advanced,
  - (iii) the date on which the advance was made,
  - (iv) the dates on which recoveries in respect of such advance were made, and
  - (v) the signature of the employee in acknowledgement of the receipt of the advance.

(2) Every such record referred to in paragraph (1) shall be made available to the employee for inspection, if a request is made in that behalf by him.

### PART III

#### A. DETERMINATION WITH CONSENT

22. (1) Every application for an order under section 21(1) of the Act shall -
- (a) where such application is in respect of employees of a single shop or office, be made by not less than twenty-five *per centum* of the employees of such shop or office, or by the employer or employers of such employees,
  - (b) where such application is in respect of employees of more than one shop or office, be made by not less than twenty-five *per centum* of the employees of each such shop or office, or, as the case may be, by the employer or employers of such percentage of the employees, and
  - (c) where such application is in respect of employees of a particular class or category in a single shop or office, or in more than one shop or office, be made by not less than twenty-five *per centum* of the employees of such class or category in such shop or office, or in each such shop or office, as the case may be, or by the employer or employers of such percentage of the employees.
- (2) Every such application shall be in Form G of the Schedule hereto.
23. At every inquiry held by the Commissioner under section 22 of the Act -
- (1) an employer may be represented and consent on his behalf may be given -
    - (a) if he is a member of a trade union of employers, by an office bearer of such union, or

(b) if he is not a member of any such trade union, by himself or by any representative authorised by him in that behalf in writing; and

(2) the employees may be represented and consent on their behalf may be given -

(a) in the case of employees who are members of any trade union, by an office bearer of such trade union,

(b) in the case of employees who are not members of any trade union, by such number of representatives as may be determined by the Commissioner.

24. In every case where, at any inquiry referred to in regulation 23, the employees of any shop or office are represented by a trade union, such employees shall notify the Commissioner in writing the name of the trade union representing them.

25. Where consent to any determination proposed by the Commissioner is given by any representative or representatives of employees on behalf of not less than fifty-one *per centum* of the employees in any shop or office or of the employees of any class or category in any shop or office who are affected by such determination, then consent to such determination shall be deemed to have been given by all the employees in that shop or office or by all the employees of such class or category in that shop or office, as the case may be.

26. (1) In the case of employees of any shop or office, consent to any determination given by an office bearer of a trade union as provided in regulation 23(2)(a), shall be consent given only on behalf of such of the employees in that shop or office as have signed the notice sent to the Commissioner in terms of regulation 24.

(2) Where, in the case of any employees of any shop or office, consent to any determination is given by any representatives referred to in regulation 23(2)(b), consent given by each such representative shall, for the purposes of regulation 25, be deemed to be consent given on behalf of such number of employees arrived at, by dividing the total number of such employees in that office or shop on the day on which such representatives were determined, by the number of representatives.

27. Notice of repudiation of any determination made under section 22 of the Act may -

(1) on behalf of an employer, be given -

(a) if such employer is a member of a trade union of employers, by an office bearer of such union, or

(b) if such employer is not a member of such trade union, by himself or by a representative authorised in writing by him; and

(2) on behalf of employees, be given -

(a) in the case of employees who are members of a trade union, by an office bearer of such trade union authorised in writing in that behalf by the employees, and

(b) in the case of employees who are not members of a trade union, by a representative authorised in writing in that behalf by such employees.

28. Every notice of repudiation under section 24 of the Act shall be in Form H of the Schedule hereto and shall in every case be accompanied by the written authorization given in terms of regulation 27.

29. (1) Where notice of repudiation is given by any representative or representatives of employees on behalf of not less than fifty one *per centum* of the employees in any shop or office, or of the employees of any class or category in any shop or office, then, notice of repudiation shall be deemed to have been given by all the employees in such shop or office, or by all the employees of such class or category in that shop or office, as the case may be.

(2) In the case of employees of any shop or office, notice of repudiation given by an office bearer of a trade union or by an authorised representative, as provided in regulation 27(2), shall be notice given only on behalf of such of the employees in that shop or office as have given their written authority in terms of that regulation.

30. Where consent to any determination under section 22 of the Act or notice of repudiation under section 24 of the Act is given by a trade union on behalf of any employer, such employer shall, subject to the provisions of the Act, be bound by such consent or by such notice, as the case may be, notwithstanding that he may, at a subsequent date, have ceased to be a member of such trade union or that such trade union has ceased to exist.

## **B. DETERMINATIONS BY TRIBUNALS**

31. The appointment of any member to the Panel constituted under section 25 of the Act shall be made by notification published in the Gazette.

32. There may be appointed an officer to be the secretary to the Panel constituted under section 25 of the Act. Such officer shall also be the secretary to any Remuneration Tribunal constituted under the aforesaid section.

33. Every application under section 26(4) of the Act to have determination previously made by a Remuneration Tribunal rescinded, varied or replaced, shall be made -

- (a) in a case where such determination affects only one employer, by that employer himself or by any person authorised by him in writing or by an office bearer of a trade union of which he is a member.
- (b) in a case where such determination affects more than one employer, by not less than twenty five *per centum* of such employers, or by an office bearer of a trade union consisting of not less than twenty five *per centum* of such employers or by a representative authorised by them in writing, and
- (c) in a case where such determination affects any employees or any class or category of employees in any shop or office, by not less than twenty five *per centum* of such employees or employees of such class or category in that shop or office, or by an office bearer of a trade union consisting of not less than twenty five *per centum* of such employee or employees of such class or category in that shop or office.

34. Every application under section 26(4) of the Act -

- (a) shall be made in writing, and
- (b) shall contain a full statement of the grounds upon which such application is made.

35. It shall be lawful for the Minister, in respect of any application made to him under Part III of the Act, to call for further particulars or to cause such inquiries to be made as he may consider necessary.

36. Where a permit granted to an employee under section 36 of the Act is to be revoked, the Commissioner shall give at least one month's notice of the proposed revocation, to the employer of that employee.

**PART IV**  
**PROVISIONS RELATING TO CERTAIN CLASSES**  
**OF SHOPS AND OFFICES AND PERSONS EMPLOYED THERE**

[Gazette No.10, 899  
of 2.3.1956.]

37. Any premises where the only trade or business carried on is that of a chemist, druggist, pharmacist, optician, dealer in surgical goods or dealer in ayurvedic medicines shall be exempt from the provisions of Part IV of the Act.

[Gazette No.10, 899  
of 2.3.1956.]

37A. Every person who is employed in or about the business of any shop or office as a travelling inspector, travelling agent, travelling salesman, canvasser or in any other similar capacity shall be exempt from those provisions of section 3(1) of the Act which relate to the normal maximum period during which a person may be employed in any shop or office.

[Gazette No.10, 899  
of 2.3.1956.]

37B. Every person who is employed as -

- (1) a reporter, or
- (2) press photographer,

in or about the business of any establishment maintained for the purposes of the business of editing and publishing any newspaper shall be exempt from those provisions of section 3(1) of the Act, which relate to the normal maximum period during which a person may be employed in or about the business of any shop or office on any one day.

[Gazette. No.12, 553  
of 21.7.1961.]

37C. Every person who is a member of the tutorial staff of any establishment maintained for an educational purpose shall be exempt from the provisions of the Act.

38. Where different trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that no closing order would be applicable to that shop if that were the only trade or business carried on therein, that shop may, with the written permission of the Commissioner, be kept open for the purposes of that trade or business alone, notwithstanding anything in any closing order.

39. (1) Every establishment maintained for professional purposes by an advocate, proctor, or notary, and every establishment maintained for the purposes of a nursing home shall be an office for the purposes of the Act.

(2) In this regulation "nursing home" has the same meaning as in the Nursing Homes (Regulation) Act, No.16 of 1949.

[Gazette.No.10, 899  
of 2.3.1956.]

39A. Any premises in which is carried on the business of -

- (a) laundering, or
- (b) dyeing or dry-cleaning wearing apparel or other articles, or
- (c) taking of photographs,

shall be a shop for the purposes of the Act.

[Gazette No. 11, 174  
of 27.9.1957.]

39B. The following establishments are hereby declared to be offices for the purposes of the Act:-

- (1) Every establishment (excluding the printing section thereof) maintained for the purposes of the business of editing and publishing any newspaper:

[Gazette No. 14, 962  
of 11. 6. 1971.]

Provided, however, that the provisions of the Act shall not apply to any person in any such establishment employed in any trade or work to which the provisions of Part II of the Wages Boards Ordinance have been made applicable by Order made under section 6 of that Ordinance.

[Gazette No. 11, 174  
of 27.9.1957.]

(2) Every establishment maintained for the purpose of any of the following businesses of -

- (a) an actuary,
- (b) an architect,
- (c) a surveyor,
- (d) an auctioneer,
- (e) a valuer,
- (f) a draughtsman,
- (g) an appraiser,
- (h) a news agency, and
- (i) a travel and tourist agency.

[Gazette No. 11, 564  
of 24.10.1958.]

(3) Every establishment maintained for the purpose of administering the business of -

- (i) any trade union,
- (ii) any thrift society or mutual benefits society,
- (iii) any provident fund or pension scheme,
- (iv) any body, corporate or incorporate, and
- (v) any school or other educational establishment.

[Gazette No. 12, 553  
of 27.7.1961.]

(4) Every establishment maintained for any educational purpose, including any boarding house or hostel attached to such establishment and used by the pupils of such establishment for the purpose of residing therein.

(5) Every establishment maintained for the purpose of a club.

(6) Every establishment maintained for professional purposes by -

- (a) a medical practitioner,
- (b) a dental surgeon, or
- (c) a dentist.

## **PART V**

### **GENERAL**

40. The prescribed officer for the purposes of section 45(2) and section 50 of the Act shall be any one of the following officers:-

the Commissioner,  
a Deputy Commissioner,  
an Assistant Commissioner,  
an Inspector of Labour.

41. Every notice required to be given under section 53 of the Act shall be substantially in the Form I of the Schedule hereto.

42. Save as otherwise provided in regulation 43, every notice required under the Act or under these regulations to be served on an employer may be served -



- (a) where the employer is a single individual, on the employer himself or on the manager or the person for the time being in charge of the shop or office of the employer,
- (b) where the employer is an incorporated body, on the managing director, or the secretary of that body or on the manager or the person for the time being in charge of the shop or office of the employer,
- (c) where the employer is a firm, on any partner of the firm, or on the manager of the shop or office of the employer, and
- (d) where the employer is a co-operative society, on the president, secretary or treasurer of the society, or on the manager of the shop or office of the employer.

43. For the purposes of making any determination by consent, or for the purposes of holding any inquiry under the provisions of the Act -

(1) any notice required to be served on the employer may be served -

- (a) if the employer is represented by a trade union, on the president, secretary or other office bearer of such union, or
- (b) if the employer is not represented by a trade union, in the manner provided in regulation 42, and

(2) any notice required to be served on the employees may be served -

- (a) if the employees are represented by a trade union, on the president, secretary or other office bearer of such union or
- (b) if the employees are not represented by a trade union, on each of the representative of employees referred to in regulation 23(2)(b), or where there are no such representatives, on each such employee.

44. Save as otherwise expressly provided in these regulations, every notice required under the Act or under these regulations to be served on a person may be served either personally or by registered post or by affixing such notice at the entrance to such person's last known place of abode or business.

45. Every register and every record required to be maintained under the Act or under these regulations, other than the record referred to in regulation 17(1)(i) shall be preserved by the employer for a minimum period of four years.

46. Every record maintained by an employer in respect of each employee and referred to in regulation 17(1)(i), shall be preserved for a period of two years from the date of termination of the contract of employment of such employee.

47. For the purpose of ascertaining the rate at which an employee is entitled to be remunerated for the normal period of employment of a day immediately preceding any holiday or leave granted to such employee, the total remuneration (exclusive of any overtime and bonuses but inclusive of any special living allowance determined according to the cost of living) payable to such employee shall -

- (a) where such employee is paid at a monthly rate, be divided by the number of days in the month,
- (b) where such employee is paid at a fortnightly rate be divided by fourteen, and
- (c) where such employee is paid at a weekly rate, be divided by seven.

48. The rate of remuneration in respect of any day on which a holiday or on which leave has been granted to an employee whose remuneration is paid otherwise than at a monthly rate, shall be at not less than the rate to which he would have been entitled for that day had he been actually employed during the normal period of employment on that day.

49. The rate of remuneration payable to an employee, being an employee whose remuneration is paid at a piece rate, in respect of any day on which a holiday or on which leave has been granted to that employee, shall -

- (a) where a minimum time rate has been determined under the provisions of the Act in respect of that employee or that class of employees, be the rate that employee would have been entitled to under that determination in respect of that day, had he been actually employed for the normal period of employment on that day at such minimum time rate, and
- (b) where no such time rate has been determined, be the average daily rate of remuneration earned by that employee during the month or part of the month, as the case may be, in which such holiday or leave was granted.

50. For the purposes of regulation 49, the average daily rate of remuneration shall be determined by dividing the total earnings of the employee for the month or part of the month, as the case may be, by the actual number of days the employee has worked during the month or part of the month in which the holiday or leave was granted; and where such holiday or leave falls on the first day of a month, such rate shall be determined in the manner set out in the preceding provisions of this regulation, on the total earnings of the employee during the month immediately preceding that in which such holiday or leave was granted.

51. Where an employee is entitled to and has been allowed a holiday or leave under the provisions of section 6 of the Act and any such holiday or leave falls on a day on which the employee is entitled to any holiday under the provisions of section 5 or section 7 of the Act, then, such employee shall be allowed the holiday which he is entitled to under the provisions of section 5 or 7, as the case may be, in addition to the holiday or leave which has already been allowed to that employee under the provisions of section 6 of the Act.

52. Every member of the Panel constituted under section 25 of the Act other than a member who is a public officer, shall be entitled in respect of each day on which he attends a meeting of the Remuneration Tribunal to -

- (a) an allowance for all expenditure incurred by him other than expenditure for travelling, of twenty rupees, and
- (b) a travelling allowance consisting of -
  - (i) an amount calculated at the rate of fifty cents for each mile or part of a mile of the journey to and from the place of such meeting, if such member performs such journey by private car or hired conveyance, or
  - (ii) the actual amount paid by such member as fare, if such journey was performed by railway or by omnibus, tram or other public conveyance.

53. In respect of every payment made to an employee under the provisions of the Act or under these regulations, the employer shall obtain, and the employee shall grant to the employer, a duly signed receipt. Every such receipt shall be subject to the provisions of the \*Stamp Ordinance.

#### INTERPRETATION

54. In these regulations, unless the context otherwise requires -

“Act” means the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954;

“Commissioner”, “Deputy Commissioner, and Assistant Commissioner” means respectively “the Commissioner of Labour”, a Deputy Commissioner of Labour and an Assistant Commissioner of Labour”;

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\* See also Stamp Duty Act, No. 43 of 1982.

“Employee means” a person employed in or about the business of a shop or office; and

“local authority” means any Municipal Council, Urban Council,†Town Council or †Village Council

### Repeal

55. The Shops Regulation, 1939, published in Gazette Extraordinary No.8,521 of October 5, 1939, as amended subsequently, are hereby rescinded.

### SCHEDULE

Regulation 10

Form A

The Shop and Office Employees (Regulation of  
Employment and Remuneration) Act, No.19 of 1954

#### SECTION 12(1)

Permit for Residence

..... being a person employed in or about the business of the shop/office† maintained in respect at ..... and who not being a member of the family of ..... and not being maintained by the said ..... the employer of the said ..... is hereby authorized to live or reside in the premises of the said shop/office\* in terms of Section.12(1) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954.

Place : .....

Date : .....

.....  
Signature and Designation  
of Officer issuing Permit

Regulation 11

Form B

### THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954

#### SECTION 14(1)

#### CERTIFICATE OF EXEMPTION FROM THE PROVISIONS OF THE ACT RELATING TO SANITARY CONVENIENCES

Whereas ..... employer of persons employed in or about the business of the shop/office\* maintained in respect of the business called and known as ..... and situated at ..... has, under the provisions of section 14(1) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954 furnished proof to my satisfaction that suitable and sufficient sanitary conveniences and washing facilities for the use of male persons only/female

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†See Pradeshiya Sabhas Act, No. 15 of 1987 which repealed and replaced both the Town Councils Ordinance and the Village Councils Ordinance.

\*Strike out whichever is inapplicable.

persons only/all persons\* employed in or about the business of the said shop/office\* by regulation made under the said Act, the said employer is hereby exempted from providing and maintaining in the said shop/office\* any sanitary conveniences and washing facilities for the use of male persons only/female persons only/all persons\* employed in or about the business of the said shop/office\*.

This certificate is issued and shall be valid subject to the provisions of section 14 of the Act and of the regulations made thereunder until ..... unless revoked earlier.

Place : .....

Date : .....

.....  
Signature and Designation  
of Officer issuing Permit

Regulation 12

Form C

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND  
REMUNERATION) ACT, NO.19 OF 1954**

**SECTION 14(6)**

**NOTICE IN OF SECTION 14(6) OF THE SHOP AND  
OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND REMUNERATION)  
ACT, NO. 19 OF 1954**

In the Magistrate's Court of .....

To : .....

Take notice that an appeal in terms of section 14(5) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act No.19 of 1954 has this .. ..... day of ..... 19...., been lodged by the employer of persons employed in or about the business of shop/office\* maintained in respect of the business called and known as ..... situated at ..... within the jurisdiction of this Court against the refusal/withdrawal/modification\* of the certificate applied for/issued\* under section 14 of the said Act on the following grounds:-

The hearing of the appeal has been fixed for the forenoon/afternoon\* on the ..... day of ..... 19....

MAGISTRATE

Place : .....

Date : .....

.....  
Signature and Designation  
of Officer issuing Permit

\* Strike out whichever is inapplicable.

\* Strike out whichever is inapplicable.

Regulation 14

Form D

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND  
REMUNERATION) ACT, NO. 19. OF 1954**

**SECTION 16(2)**

**SEATS FOR FEMALE SHOP ASSISTANTS**

Notice is hereby given that seats are provided in this shop for the use of female persons employed in this shop and that they are entitled to make use of these seats whenever the use thereof does not interfere with their work.

Address of Shop : .....

Date : .....

Employer

**SECTION 16 (1) OF THE ACT**

Section 16 (1): In every room in which female persons are employed in the serving of customers in any shop, there shall be provided for the use of such persons seats behind the counter, or in such other position as may be suitable for the purpose, in the proportion of not less than one seat to every three female persons employed in that room.

(2): In every shop in which seats are provided under subsection (1) the employer shall permit the female persons employed in that shop to make use of such seats whenever the use thereof does not interfere with their work, and shall also exhibit a notice in the prescribed manner and form informing such persons that they are entitled to make use of the seats as aforesaid.

Regulation 17

Form F

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954**

**SERVICE RECORD**

**Part I**

1. Name of Shop/Office : .....
2. Full name of employee : .....
3. Sex : .....
4. Date of Birth : .....
5. Race : .....
6. Nationality (if citizen of Ceylon, state whether by descent or by registration) : .....
7. Civil condition\* (single, married, widow or widower): .....

8. Date of commencement of employment : .....
9. Post to which appointment was made giving class, grade or category:.....
10. Period of probation or trial, if any : .....
11. Commencing basic salary and allowance: .....

\* Changes to be indicated from time to time.

PART II

Date Commencing salary, allowances, other privileges, payment Signature of  
of increments, promotion, variation of conditions of service, employer  
all other changes affecting employment (to be entered in  
chronological order with full particulars and dates)

Regulation 22

Form G

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954**

Section 21(1)

**APPLICATION TO THE MINISTER FOR DETERMINATION  
OF MINIMUM REMUNERATION BY CONSENT**

We/I, the undersigned being\* ..... do hereby in terms of section 21(1) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, request that you be pleased to make an order directing the Commissioner of Labour to endeavour to determine by consent the minimum rate of remuneration of the persons/class of persons/category of persons\*\* specified in Column II of the Schedule hereto employed in or about the business of the shop/office maintained in respect of the business\*\* specified in the corresponding entry in Column I of that Schedule:

.....  
Signature, designation and  
name of applicant/applicants.

Dated at ..... this ..... day of .... 19....

\* Here insert whether -

- (a) a Trade Union of employers employing persons indicated in Column II of the Schedule hereto in or about the shop/office maintained in respect of the business, indicated in the corresponding entry in Column I of that Schedule.
- (b) an employer or employers employing persons indicated in Column II of the Schedule hereto in or about the business of the shop/office maintained in respect of the shop/office maintained in respect of the business, indicated in the corresponding entry in Column I of that Schedule.

- (c) a Trade Union of employee having membership among persons indicated in Column II of the Schedule hereto employed in or about the business of the shop/office maintained, in respect of the business indicated in the corresponding entry in Column I of that Schedule, or
- (d) employees employed in and representing persons indicated in Column II of the Schedule hereto employed in or about the business of the shop/office maintained for the purpose of the business, indicated in the corresponding entry in Column I of that Schedule.

**\*\* Strike out whichever is not applicable.**

SCHEDULE

Column I

Column II

Regulation 28

Form H

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954.**

**Section 24**

**NOTICE OF REPUDIATION OF DETERMINATION WITH CONSENT**

Take notice that I/We, the undersigned being\*\* ..... do hereby repudiate the determination with consent made under the provisions of section 21(1) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, and published in *Gazette* No..... of ..... in so far as it affects the persons specified in Column II of the Schedule hereto employed in the shop/office maintained for the purpose of the business\*, specified in the corresponding entry in Column I of that Schedule to the extent specified in Column III of that Schedule.

.....  
Signature, designation and  
name of person/persons giving notice.

Dated at ..... this ..... day of .... 19....

**\*\* Here insert whether -**

- (a) a trade union of employers employing persons indicated in Column II of the Schedule hereto in or about the shop/office\* maintained in respect of the business, indicated in the corresponding entry in Column I of that Schedule,
- (b) an employer or employers employing persons indicated in Column II of the Schedule hereto in or about the business of the shop/office\* maintained in respect of the shop/office maintained in respect of the business, indicated in the corresponding entry in Column I of that Schedule,
- (c) a trade union of employee having membership among persons indicated in Column II of the Schedule hereto employed in or about the business of the shop/office\* maintained, in respect of the business, indicated in the corresponding entry in Column I of that Schedule, or



(d) employees employed in and representing persons indicated in Column II of the Schedule hereto employed in or about the business of the shop/offices\* maintained for the purpose of the business, indicted in the corresponding entry in Column I of that Schedule.

\* **Strike out whichever is not applicable.**

SCHEDULE

Column I

Column II

Column III

Regulation 41

Form I

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND REMUNERATION) ACT, No. 19 OF 1954**

Notice under section 53

To : .....

Employer of .....

Take notice that in the prosecution instituted against you i the ..... Court of ..... , for having failed to pay the said Act to ..... persons employed in or about the business of the shop/office maintained in respect of the business called and known as ..... situated at ..... I, ..... intend adducing, in accordance with the provisions of section 53 of the said Act, evidence of the failure on your part to pay remuneration, in accordance with the provisions of section 30 of the said Act, to the persons specified in Column I of the Schedule hereto, being persons employed by you in or about the business of the aforesaid shop/office, for the period specified in the corresponding entry in Column II of that Schedule.

.....  
Complainant

Dated at ..... this ..... day of .... 19....  
Place : .....

SCHEDULE

Column I

Column II

Names of persons

Period for which remuneration  
has not been paid

[Order under  
section 2(1)]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954**

[*Gazette* No.10,724 of  
October 15,1954.]

Order made by the Minister of Labour by virtue of the powers vested in him by subsection (1) of section 2 of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, and approved by the Senate and the House of Representatives under subsection (2) of that section.

M.C.M. Kaleel  
Minister of Labour

Colombo, October 13, 1954

**Order**

The provisions of Part I of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, shall apply to all shops and offices in Ceylon.

[Order under  
§ 46(3)]

[Gazette No.10,755 of  
21.1.1955.]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF EMPLOYMENT AND  
REMUNERATION) ACT, NO. 19 OF 1954.**

It is hereby notified that the Minister of Labour has, under section 46(3) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, appointed, with effect from November 1, 1954, the officers mentioned in the Schedule hereto to be officers for the purposes of carrying out or giving effect to the provisions of the aforesaid Act.

R.M.G. Monypenny  
Permanent Secretary to the  
Ministry of Labour

Colombo, January 13, 1955.

SCHEDULE

1. The Labour Medical Officer
2. The Labour Statistician,
3. The Statistical Officer of the Department of Labour
4. Inspectors of Labour

[Order under  
§ 46(3)]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954**

(*Gazette* No.10,850 of  
October 21,1955.]

It is hereby notified that the Minister of Labour has, under section 46(3) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, appointed, with effect from October 1, 1955, the officers mentioned in the Schedule hereto to be officers for the purposes of carrying out or giving effect to the provisions of the aforesaid Act, in addition to the list of officers published by notification in Government *Gazette* No.10,755 of January 21, 1955.

R.M.G. Monypenny  
Permanent Secretary to the  
Ministry of Labour

Colombo, October 11, 1955.

SCHEDULE schedule

Statistical Investigators

[Order under  
§ 46(3)]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, No. 19 of 1954**

[*Gazette* No.39 of 22.12  
1972.]

It is hereby notified that the Minister of Labour has, under section 46(3) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, appointed, with effect from 6th November, 1972, the officers mentioned in the Schedule hereto to be officers for the purposes of carrying out or giving effect to the provisions of the aforesaid Act.

A.E. Gogerly Moragoda  
Secretary  
Ministry of Labour  
Colombo, 29 November, 1972.

**SCHEDULE**  
**Programme Assistants**

[Order under  
§ 46(3)]

[Gazette No.89 of  
7.12.1973.]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, NO. 19 OF 1954**

It is hereby notified that the Minister of Labour, has under section 46(3) of the Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.19 of 1954, appointed, with effect from 1.12.1973, the officers mentioned in the Schedule hereto to be officers for the purpose of carrying out or giving effect to the provisions of the aforesaid Act.

A.E.Gogerly Moragoda,  
Secretary, Ministry of Labour

Colombo, 24th November, 1973.

SCHEDULE  
Employment Assistants  
Occupational Analysts

[*Gazette* Extraordinary  
of the Democratic  
Socialist Republic of Sri  
Lanka No.945/1 of  
October 14, 1996.]

**THE SHOP AND OFFICE EMPLOYEES (REGULATION OF  
EMPLOYMENT AND REMUNERATION) ACT, No. 945/1 of 1996**

**Order under Section 7**

By virtue of the powers vested in me by Section 7 of the Shop and Office Employees (Regulation of Employment and Remuneration) Act (Chapter 129), as subsequently amended, I Mahinda Rajapakse, Minister of Labour and Vocational Training, do hereby Order-

(1) declare that the days specified in the Schedule hereto, being public holidays within the meaning of the Holidays Act, No. 29. of 1971, to be holidays for the purposes of the aforesaid Section ; and

(2) rescind the Order made under the aforesaid Section and published in *Gazette* Extraordinary No. 845/14 of November, 1994.

Mahinda Rajapakse,  
Ministry of Labour and Vocational Training

Colombo, 30th September, 1996.

**SCHEDULE**

**HOLIDAYS**

- (1) Tamil Thai-Pongal Day,
- (2) National Day
- (3) Milad-Un-Nabi (Holy Prophet's Birthday)
- (4) Day prior to Sinhala and Tamil New Year Day,
- (5) Sinhala and Tamil New Year Day,
- (6) May Day,
- (7) Day following Vesak Full Moon Day,
- (8) Christmas Day.