

[Gazette No. 9, 634 of
November 22, 1946.]

THE MATERNITY BENEFITS ORDINANCE, NO. 32 OF 1939

REGULATIONS made by the Executive Committee of Labour, Industry and Commerce under section 13 of the Maternity Benefits Ordinance, No. 32 of 1939, approved by the State Council and ratified by the Governor by virtue of the powers vested in him by that section.

RAJAH HEWAVITARNE,
Minister of Industry and
Commerce.

Colombo, November 16, 1946.

REGULATIONS

[Gazette No. 11, 046
of January 11, 1957.]

1. (1) The rate of maternity benefit payable under sub-section (1) of section 5 of the Ordinance to a woman worker in respect to each day shall be :-

- (a) where the worker is entitled to be paid at a time-rate under any provision of written law or, in the absence of such written law, under the terms of a contract of employment, six-sevenths of the wages, which she would have been entitled to for that day if she had actually worked on that day for the entire period constituting the normal working day, calculated according to such time rate ; and
- (b) where the worker is not entitled under the provisions of sub-paragraph (a) to be paid at a time-rate but is entitled to be paid at a piece -rate under any provision of written law or, in the absence of such written law, under the terms of a contract of employment, six-sevenths of the average daily wages earned by her during the period of six months immediately preceding her confinement, calculated in accordance with the provisions of such law or the terms of the contract, as the case may be:

Provided, however, that-

- (i) where any day referred to in sub-paragraph (a) falls on a holiday which she would ordinarily have not worked, or if she had worked she would have been entitled to extra remuneration, the rate of maternity benefit in respect of such day shall be six-sevenths of the wages, which she would have been entitled to for the last working day immediately preceding such holiday, if she had actually worked on such last day for the entire period constituting the normal working day, calculated according to such time-rate ; and
- (ii) where the rate of maternity benefit for any day under the preceding provisions of this paragraph is less than one rupee, such rate shall be one rupee.

(2) For the purposes of paragraph (1), the expression "normal working day" in relation to any woman worker means-

- (a) where the normal working day in respect of such worker has been determined by virtue of any decision made under the Wages Boards Ordinance, No. 27 of 1941, the normal working day as determined by virtue of that decision ;
- (b) where the normal working day in respect of such worker has been determined by virtue of any written law other than the said Wages Boards Ordinance, means the normal working day as determined by virtue of such written law,
- (c) where the normal working day in respect of such worker has not been determined by virtue of the provisions of any written law, means the normal working day as is ordinarily understood by that expression in relation to such worker.

2. For the purposes of sub-section (3) of section 5 of the Ordinance, the alternative maternity benefits to be provided by an employer for female labourers on his estate shall be-

- (a) the use, for the confinement, for a period of not less than ten days of a maternity ward or a lying-in-room. approved by the Commissioner ;
- (b) the services of a midwife at the confinement;
- (c) food for each labourer during the period she remains in the maternity ward or the lying-in-room ; and
- (d) the payment in cash to each such labourer:-
 - (i) for the period of two weeks immediately preceding her confinement, of an amount equal to four-sevenths of the maternity benefit payable for that period at the rate specified in regulation 1, or if such labourer has worked during that period, for each day in that period succeeding the last day on which she so worked, of an amount equal to four-sevenths of the maternity benefit payable for a day at the rate specified in regulation 1; and
 - (ii) of an amount equal to four-sevenths of the maternity benefit payable for the four weeks immediately following her confinement at the rate specified in regulation 1.

[Gazette No. 11, 046
of January 11, 1957.]

3. Any notice by a woman worker to her employer under sub-section (3) of section 5 or under sub-section (1) or sub-section (2) of section 6 of the Ordinance may be given orally or in writing.

4. (1) Every oral notice by a woman worker to her employer under sub-section (3) of section 5 or under sub-section (1) or sub-section (2) of section 6 of the Ordinance shall be given by making an oral statement to the employer and by signing, or affixing her thumb impression on, the notice book in the place provided therein for that purpose.

- (2) The written notices given by a woman worker to her employer-
 - (a) under sub-section (3) of section 5,
 - (b) under sub-section (1) of section 6, and
 - (c) under sub-section (2) of section 6,

shall be respectively in the forms A, B, and C specified in the Schedule hereto.

(3) Every written notice referred to in paragraph 2 shall be given:-

- (a) by delivering the notice at the residence or place of business of the employer ;
or
- (b) by sending the notice by ordinary or registered post to the residence or place of business of the employer.

5. For the purposes of section 7 of the Ordinance, one of the following certificates shall be sufficient proof of confinement:-

- (a) a certificate from the medial practitioner who attended at the confinement of the woman worker ;
- (b) a certificate from the officer - in-charge of the lying-in-home, maternity home, or other institution where the confinement took place ;
- (c) a certificate from the midwife who attended at the confinement of the woman worker;

(d) a certificate signed by any two persons who attended at the confinement of the woman worker and can bear witness to the confinement : and

(e) a certificate relating to the birth of the child and issued under the Births and Deaths Registration Ordinance.

6. Every employer shall maintain a register, substantially in the Form D set out in the Schedule hereto, of women workers in his employment and shall cause to be entered therein, at the appropriate times, all the particulars for the recording of which provision is made in that form.

7. Every employer shall keep a notice book substantially in the Form E set out in the Schedule hereto, and shall cause to be entered therein, at the appropriate times, all the particulars for the recording of which provision is made in that form.

8. Every employer shall provide for the use of women workers in his employment on demand, a sufficient supply of the Forms A, B and C set out in the Schedule hereto.

[*Gazette* No. 13,387 of November 9, 1962.)

8A. Any establishment not being a factory, in which five or more persons are employed and which is engaged wholly or mainly in the engineering trade or the building trade shall be a prescribed establishment for the purposes of the Ordinance.

9. In these regulations-

[*Gazette* No. 13,387 of November 9, 1962.)

“building trade” has the same meaning as in the order made under section 6 of the Wages Boards Ordinance (Chapter 136), and published in *Gazette* No. 10,054 of December 16, 1949 (as subsequently amended) ;

[*Gazette* No. 13,387 of November 9, 1962.)

“engineering trade” has the same meaning as in the order made under section 6 of the Wages Boards Ordinance (Chapter 136), and published in *Gazette* No. 9,224 of January 7, 1944 (as subsequently amended);

“notice book” means a notice book kept by an employer under regulation 7 ; and

“Ordinance” means the Maternity Benefits Ordinance, No. 32 of 1939.

10. The regulations made under section 13 of the Ordinance and published in *Gazette* No. 8,793 of September 12, 1941, are hereby rescinded.

THE MATERNITY BENEFITS

SCHEDULE
FORM A

THE MATERNITY BENEFITS ORDINANCE, No 32 of 1939

I, (name) hereby give notice that I desire to receive the alternative maternity benefits provided under this Ordinance.

.....
Signature of thumb impression of employee.

Date:

Form B

THE MATERNITY BENEFITS ORDINANCE, No 32 of 1939
Notice of expected confinement

To: (name of employer)

I, (name) hereby give notice that I expect to be confined within a month from today's date.

.....
Signature of thumb impression of employee.

Date:

I hereby nominate (the name of the recipient to be inserted) to receive the maternity benefit due to me.

.....
Signature of thumb impression of employee.

Date:

Form C

THE MATERNITY BENEFITS ORDINANCE, No 32 of 1939
Notice of confinement

To: (name of employer)

I, hereby give notice that on (here insert date) I gave birth to a child and produce the prescribed certificate in support thereof.

.....
Signature of thumb impression of employee.

Date:

I nominate (here insert in the name of the recipient) to receive the maternity benefit due of me

.....
Signature of thumb impression of employee.

Date:

Form D

Register of women workers

| Full name of woman worker | Date of commencement of employment | Signature or thumb impression of woman worker at commencement of employment | Date of termination of employment | Signature or thumb impression of woman worker at termination of employment |
|---------------------------|------------------------------------|---|-----------------------------------|--|
| | | | | |

Form E

Notice Book

| Date of receipt of notice | Is notice under section 5 (3), 6 (1) or 6 (2) of the Ordinance | Name of woman worker giving notice | Is notice oral or written ? | Signature or thumb impression of woman worker giving oral notice | Person, if any, nominated, to whom maternity benefits on behalf of the woman worker may be paid | Date of confinement | Persons to whom maternity benefits are paid | * Amounts paid and dates of payment |
|---------------------------|--|------------------------------------|-----------------------------|--|---|---------------------|---|-------------------------------------|
| | | | | | | | | |

*In these columns the amounts should be shown as follows:-

- (1) Amount paid for period up to and including day of confinement.
- (2) Amount paid at end of second week after confinement.
- (3) Amount paid at end of fourth week after confinement.