

Employment Of Women, Young Persons And Children, The Factories And The Shop And Office Employees (Regulation Of Employment And Remuneration) (Amendment)

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF WOMEN AT NIGHT IN FACTORIES AND INDUSTRIAL UNDERTAKINGS ; TO PROVIDE SAFEGUARDS FOR THE PROTECTION OF WOMEN WORKING AT NIGHT AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it entitled by the Parliament of the Democratic Socialist of Sri Lanka as follows:-

[3rd August , 1984]

Short title. 1. This Act may be cited as the Employment of Women, Young Persons and Children, the Factories and the Shop and Office Employees (Regulation of Employment and Remuneration) (Amendment) Act, No. 32 of 1984.

PART I

Amendment of section 2 of Act No. 47 of 1956. 2. Section 2 of the Employment of Women, Young Persons, and Children Act, No. 47 of 1956 (hereinafter in this Part referred to as the "principal enactment") is hereby amended by the repeal of subsection (1) thereof and the substitution therefor of the following new subsection : -

" (1) Subject to the provisions of this Part, no person shall employ at any time during the night, a person under the age of eighteen years, in a public or private industrial undertaking or in a branch thereof."

Insertion of new section 2A, 2B and 2C in the principal enactment. 3. The following new sections are hereby inserted immediately after section 2 of the principal enactment and shall have effect as sections 2A, 2B and 2C, respectively of that enactment:-

"Employment2A
of woman at
night in any
industrial
undertaking.

(1) Subject to the provisions of this night in any Part every woman employed in an industrial undertaking shall be permitted to work undertaking throughout the night

(2) Employment of a woman at night shall be subject to the following conditions :-

(a) no woman shall be compelled to work at night against her will;

(b) that written sanction of the commissioner of Labour should be obtained by every

employer, prior to the employment by him of women to work after 10 p.m. at night;

(c) no woman who has been employed during the hours of 6 a.m. and 6 p.m. shall be employed after 10 p.m. on any day;

(d) every woman who works at night not less than one and a half times the normal payment received by her;

(e) there shall be appointed female wardens to see to the welfare of woman workers who work at night;

(f) every woman worker working at night shall be provided with restrooms and refreshments by the employer ;

(g) no woman shall be employed for more than ten days on night work, during any one month.

Provisions of section 2A not to apply to women holding responsible positions & c. 2B. The provisions of section 2A shall not apply -

(a) to women holding responsible positions of a managerial or technical character;

(b) to women employed in health and welfare services who are not ordinarily engaged in manual work ; and

(c) to an industrial undertaking in which only members of the same family are employed.

Minister may prohibit employment of women at night in industrial undertakings. 2C. When in a case of serious emergency, the public interest demands it, the Minister may, after consultations with the employers' and workers' organizations concerned, if any, by Order published in the Gazette, vary the conditions set out in section 2A, in relation of employment of women, or prohibit employment of women, during the night in any industrial undertaking or undertakings or branches thereof."

Amendment of section 3 of the principal enactment.

4. Section 3 of the principal enactment is hereby amended as follows : -

(1) by the repeal of subsections (1) and (2) thereof : -

(2) in subsection (6) by the substitution for all the words and figures from " permit women and young persons to be employed" to "so employed shall", of the words and figures " permit young

persons to be employed in any industrial undertaking or in any branch thereof during that part of the night which falls between 7 p.m. and 11 p.m. subject to the condition that no young persons so employed shall".

PART II

Amendment of section 67 of chapter 128. **5.** Section 67 of the Factories Ordinance (hereafter in this Part referred to as "the principal enactment") is hereby amended by the repeal of paragraph (b) thereof, and the substitution therefor, of the following paragraph : -

" (b) the period of employment in the case of young persons who have not attained the age of sixteen shall not exceed twelve hours in any day and shall neither begin earlier than six o'clock in the morning nor end later than six o'clock in the evening, and in the case of young persons who have not attained the age of eighteen the period of employment' shall not end later than eight o'clock in the evening, and on not less than one day in the week, one o'clock in the afternoon."

Insertion of new section 67A in the enactment. **6.** The following new section is hereby inserted immediately after section 67, of the principal enactment and shall have effect as section 67A of that enactment:

"Employment67A

night in a factory or an industrial undertaking.

(1) Subject to the provisions of this Part every woman employed in a factory shall be permitted to work throughout the night.

(2) Employment of a woman at night, in a factory shall be subject to the following conditions ;-

(a) no woman shall be compelled to work at night against her will;

(b) that written sanction of the Commissioner of Labour should be obtained by every occupier of a factory prior to the employment by Mm, of women, to work after 10 p.m at night;

(c) no woman who has been employed during the hours of 6 a.m. and 6 p.m. shall be employed after 10 p.m. on any day;

(d) every woman who works at night shall be in receipt of a payment of not less than one and a half times the normal, payment received by

her;

(e) there shall be appointed female wardens to see to the welfare of woman workers, who work at night;

(f) every woman worker, working at night shall be provided with rest rooms and refreshments by the employer;

(g) no woman shall be employed for more than ten days on night work, during any one month."

Amendment of section 68 of the principal enactment. **7.** Section 68 of the principal enactment is hereby amended by the repeal of paragraph (b) of subsection (2) of that section and the substitution therefor, of the following paragraph :-

" (b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not in the case of young persons extend outside the hours specified in this Part for the beginning and end of the period of employment."

Amendment of section 73 of the principal enactment. **8.** Section 73 of the principal enactment is hereby amended by the repeal of paragraph (a) of subsection (1) of that section and the substitution therefor, of the following paragraph: - a

" (a) a young person shall not be employed in a factory on a Sunday or on such other week day as may be prescribed in lieu of Sunday, nor shall a young person employed in any factory on any other day of the week, be employed on Sunday or such prescribed week-day about business of the factory or in any other business carried on by the occupier; and "

PART III

Amendment of section 10 in Chapter 128. **9.** Section 10 of the Shop and Office Employees (Regulation of Employment and Remuneration) Act is hereby amended in subsection (2) of that section as follows:

(1) by the insertion immediately after paragraph (II) of the proviso to that section, of the following new paragraph:

(iii) any female who has attained the age of eighteen years may be employed in or about the business of a shop or office for the period, or for any part of the period, between 6 p.m. and 8 p.m."; and

(2) by the renumbering of paragraph (iii), of the proviso, as paragraph (iv) thereof.

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