

2018

வார்டிகை கார்டு காதை வார்தாவ வருடாந்த செயற்ற்திறன் அறிக்கை Annual Performance Report

கமீகர்டு டெபார்டமென்டுவ
தொழில் திணைக்களம்
Department of Labour



**Annual Performance Report
Department of Labour
2018**

Contents

Message of the Minister of Labour and Trade Union Relations	i
Message of the the Secretary to the Ministry of Labour and Trade Union Relations	ii
Message of the Commissioner General of Labour	iii
1. Department of Labour	1
1.1 Introduction	1
1.1.1 Objectives	1
1.1.2 Role	1
1.2 Organizational chart of the Department	2
1.3 Staff of the Department	3
1.4 Special Activities - 2018	6
1.5 International Relations	9
1.5.1 International Labour Organization	9
2. Ensuring industrial peace for promotion of economic development	13
2.1 Introduction	13
2.2 Role	13
3. Standardization of the rights of employees	23
3.1 Introduction	23
3.2 Lagal provisions, which are in force	23
3.3 Implementation of legal provisions	23
3.4 Tasks performed - 2018	25
4. Ensuring the occupational health of the employees and the safe working environment	28
4.1 Ensuring occupational health	28
4.1.1 Introduction	28
4.1.2 Role	28
4.1.3 Tasks performed by Occupational Hygiene Division - 2018	29
4.2 Ensuring work environment free of risks	30
4.2.1 Introduction	30
4.2.2 Role	30
5. Safeguarding the occupational rights of women, young persons and children and elimination of child labour	35
5.1 Introduction	35
5.2 Role	35
5.3 Legal provisions, which are in force	35
5.4 Performance of tasks - 2018	36
5.5 Implementing the action plan - 2018	39
5.6 Implementation of Decent Work programme	40
6. Social Security of the Employees	41
6.1 Introduction	41
6.2 Role	41
6.3 Promotion of the fund	45
6.4 Other	46
7. Legal protection to ensure occupational rights of employees	47
7.1 Introduction	47
7.2 Role	47
8. Administration	49
8.1 Introduction	49
8.2 Role	49
9. Financial management	53
9.1 Introduction	53

9.2 Role	53
10. Affairs on Statistics	55
10.1 Introduction	55
10.2 Role	55
11. Directing the functions of the Department towards the targets by supervision and development of human resources	57
11.1 Introduction	57
11.2 Directing the tasks of the Department towards the targets by supervision	57
11.3 Human Resources Development	59
12. Application of Information Technology for service delivery	65
13. Internal Auditing	66

Tables

	Page No
Table 1.1 Changes in the staff of the Department -2018	03
Table 1.2 Staff of the Department on the levels of seniority - 2018	03
Table 1.3 Staff of the Head Office on the levelsof seniority- 2018	03
Table 1.4 Staff of the Head Office on the levels of seniority- 2018	03
Table 1.5 Staff of the Zonal Labour Offices on the levels of seniority- 2018	04
Table 1.6 Staff of the District Offices on the levels of seniority- 2018	04
Table1.7 Staff of the Sub Labour Offices on the levels of seniority- 2018	04
Table 1.8 Staff of the District Factory Inspecting Engineer's Offices on the levels of seniority - 2018	04
Table 1.9 Heads of Divisions of the Department of Labour - 2018	06
Table1.10 Programmes conducted under the sponsorship of International Labour Organization	11
Table 1.11 Programmes conducted under the sponsorship of International Labour Organization for the officers of the Department	12
Table 2.1 Tasks performed by the Human Resources Development Division - 2018	14
Table 2.2 Recorded data on strikes - 2018	18
Table 3.1 Updating the minimum salaries of Wages Boards of which the minimum salaries were below Rs. 10,000- 2018	26
Table 3.2 Examination of approval/ legal definitions/legal validity - 2018	27
Table 3.3 Translation of the decisions of Wages Boards in to Tamil language - 2018	27
Table3.4 Conducting awareness programmes and progress review programmes for newly appointed Labour Officers - 2018	27
Table 4.1 Progress of the implementation of action plan - 2018	29
Table 4.2 Investigations on accidents - 2018	31
Table 4.3 Awareness programmes - According to the field of production	32
Table 4.4 Awareness programmes - Other	33
Table 4.5 Training programmes for officers	33
Table 4.6 Progress of the Occupational Safety Division - 2018	34
Table 5.1 Implementation of the laws imposed in respect of women and youths at work - 2018	37
Table 5.2 Legal actions - 2018	57
Table 5.3 Progress in the implementation of action plan - 2018	39
Table 5.4 Progress in the implementation of 'DecentWork' programme - 2018	40
Table 6.1 Registration for the recovery of contributions - 2018	42
Table 6.2 Notifications made to the employers, who do not pay contributions properly - 2018	42
Table 6.3 Number of beneficiaries of Employees' Provident Fund - 2016 to 2018	44
Table 6 .4 Progress of the supervision on approved provident funds - 2018	45
Table 6.5 Mobile programmes conducted for the awareness of people on Provident Fund and training programmes conducted for the awareness of officers	64
Table 7.1 Performance of cases as per Courts - 2018	48
Table 7.2 Cases at Magistrate Courts - 2018	48
Table 9.1 Overall financial progress of the Department in year 2018	53
Table 9.2 Categorization of the capital expenditure in year 2018	53
Table9.3 Categorization of the recurrent expenditure in year 2018	54
Table 10.1 Tasks performed - 2018	56
Table 11.1 Training programmes conducted - 2018	64
Table 11.2 Total expenditure for the capacity building activities as at 31.12.2018	64
Table 11.3 Services rendered by the Department through its website - 2018	65

Graphs

		Page No
Graph 2.1	Inspections of Service stations- 2018	15
Graph2.2	Average number of inspections made monthly by a Labour Officer- 2018	16
Graph2.3	Complaints made on violation of rights of employees and measures taken in this regard - 2018	17
Graph2.4	Complaints on labour disputes and measures taken - 2018	18
Graph2.5	Registration of collective agreements - 2018	19
Graph2.6	Affairs of Labour Tribunals - 2016,2017,2018	19
Graph2.7	Complaints on the non-payment of gratuity and measures taken - 2018	20
Graph2.8	Registration and cancellation of Trade Unions - 2018	21
Graph2.9	Special investigations - 2018	22
Graph4.1	Legal actions taken under Factories Ordinance - 2018	31
Graph6.1	Progress in the recovery of contributions	43
Graph6.2	Receipt of the applications from Contributors and submission of the decisions to the Central Bank of Sri Lanka - 2018	45
Graph7.1	Cases filed by all District Offices and the cases concluded - 2018	48

Photographs

		Page No
Photo2.1	Discourse among employers and employees in semi government and private sector - 2018	13
Photo2.2	Discourse among employers and employees in semi government and private sector - 2018 Participation of employers and employees	13
Photo2.3	Commissioner General of Labour addressing the gathering	14
Photo2.4	Secretary to the Ministry and Commissioner General of Labour viewing the paintings of competition	14
Photo4.1	Workshop conducted for the factory employees at the auditorium of District Labour Office, Nuwaraeliya 16.11.2018	32
Photo4.2	Workshop conducted at the Technical College, Kurunegala 24.05.2018	32
Photo5.1	Meeting of Commissioner General of Labour with Deputy Minister of Labour, South Africa	38
Photo8.1	H.E. the President opening District Labour Office building, Polonnaruwa on 30.03.2018	50
Photo8.2	Several photographs of the exhibition cubicle of the Department of Labour	50
Photo8.3	Registration of recipients	51
Photo8.4	Labour Museum	52
Photo11.1	Several training programmes organized by Planning, research, training and publication division	60



Message of the Minister of Labour and Trade Union Relations

It is a great pleasure to issue a message to the performance report, which gives the picture on the services planned and rendered successfully during year 2018 by the Department of Labour. Department of Labour, which is the main public institution responsible for the establishment of a decent working environment for the promotion of national economy, has so far marked regular improvement in its long journey. During this year also Department of Labour has taken measures to ensure more efficient service delivery to the recipients following the efforts made in previous years.

The effort made by the Department to encourage social dialogue between employer and employee is highly commendable. Such measures have resulted in minimizing labour disputes and strikes within the island and also in establishing peace in industrial sector.

Department has taken action to amend certain out dated labour laws, which are still applied, and this is a timely step. It is aimed to establish decent working environment for employed women and also to ensure the rights of youth and women by way of the amendments introduced to Shop and Office Employees act, Maternity Benefits Ordinance, and Employment of Women, Young Persons and Children act. Further approval of the Cabinet of Ministers has been granted to introduce one act with the inclusion of service conditions in order to make the labour force of Sri Lanka the partners of the economic development, whilst strengthening them. As a result of this measure, the labour force of the country will have the opportunity to enjoy more benefits in future.

Therefore I take this opportunity to extend my heartfelt gratitude to the whole staff including the Commissioner General of Labour for their commitment to achieve these targets.

Hon. Ravindra Samaraweera

Minister of Labour and Trade Union Relations



Message of the the Secretary to the Ministry of Labour and Trade Union Relations

I take this opportunity with much pleasure to add few words for the annual report of the Department of Labour, which is the main institution under the Ministry of Labour and Trade Union Relations.

Department of Labour, which bears the responsibility to implement labour laws, acts and ordinances applied in private as well as semi government sector, has proved its dedication at the optimum level during year 2018 in all tasks entrusted including the promotion of social dialogue, intervention in labour disputes including strikes launched by employees with a view to make settlements between employers and employees and further promotion of the activities of Employees' Provident Fund, ensuring occupational safety and health. Therefore the services delivery of the Department is highly commendable.

Restructuring works of the Department were commenced in year 2016 and during year 2018 these activities were further carried out to achieve the goal. Under such process, enhancement of the services, which are delivered to general public, can be expected within next few years.

Constructions works of the building of 'Mehewara Piyasa', which were being carried out within the premises of the Department, have been concluded and it is due to be opened for the convenience of recipients in the next year. Accordingly the recipients will be ensured the facility to get their matters attended under one roof.

Therefore, whilst extending my gratitude, I take this opportunity to wish the Commissioner General of the Department and the staff, strength and courage to look forward to achieve the success in the work entrusted to the Department.

S.A.N.Saranathissa

Secretary

Ministry of Labour and Trade Union Relations



Message of the Commissioner General of Labour

It is a great honour for me to submit this performance report, which presents the whole picture of the achievements of the Department of Labour during year 2018. The labour inspections conducted during year 2018 have proved a significant progress in the qualitative as well as statistical aspects. Further the Department could provide an efficient and effective contribution in making settlements for complaints and taking legal actions.

During year 2018, the supervision of District and Sub Labour Offices has been carried out as a more formal process and accordingly all the Labour Offices were directed to achieve the objectives of the Department. Such situation has paved way to ensure the engagement of the whole staff including Labour Officers, who were newly recruited in 2017, in more productive and efficient way.

Promotion of social dialogue has opened an avenue to improve the relationship between employers and employees. Further the commencement of work for the formulation of one act by way of amending several acts and ordinances, which are not suit to the present needs, under the approval granted by the Cabinet of Ministers to introduce one act, can be highlighted as a progressive measure launched for the benefit of employees.

Therefore I warmly extend my gratitude to the whole staff of the Department of Labour for their commitment during year 2018 to gain performance at higher level. Further I take this opportunity to appreciate the assistance of the Ministry of Labour and Trade Union Relations, which provide necessary direction and guidance in our journey. In the meantime I pen down these few words to extend my gratitude to Planning, Research, Training and Publication Division for their effort to present this performance report in more creative way.

A.Wimalaweera

Commissioner General of Labour
Department of Labour

1. Department of Labour

1.1 Introduction

The Department of Labour, which is under the Ministry of Labour and Trade Union Relations, is the main government institution established to ensure the rights and social security of employees in semi government and private sectors. Since this is a subject governed under central government, the Department performs its responsibilities by way of maintaining Labour Offices all over the Island with a view to implement relevant acts and ordinances and further to make necessary promotions.

This Department is at present looks forward as the main body, which is dedicated to ensure the employment security and welfare of the employees in semi government as well as private sector, and it has been established for the first time in history with the objective to provide welfare facilities to the labourers brought here from India by British Colonists for working in the estates in Sri Lanka as per Indian Immigrant Labour Ordinance No 01 of 1923.

Vision

“A country with everlasting industrial peace for an internationally competitive economy.”

Mission

“To contribute to the socio-economic development of Sri Lanka through establishment of a decent work environment within secured industrial peace, while protecting labour rights.”

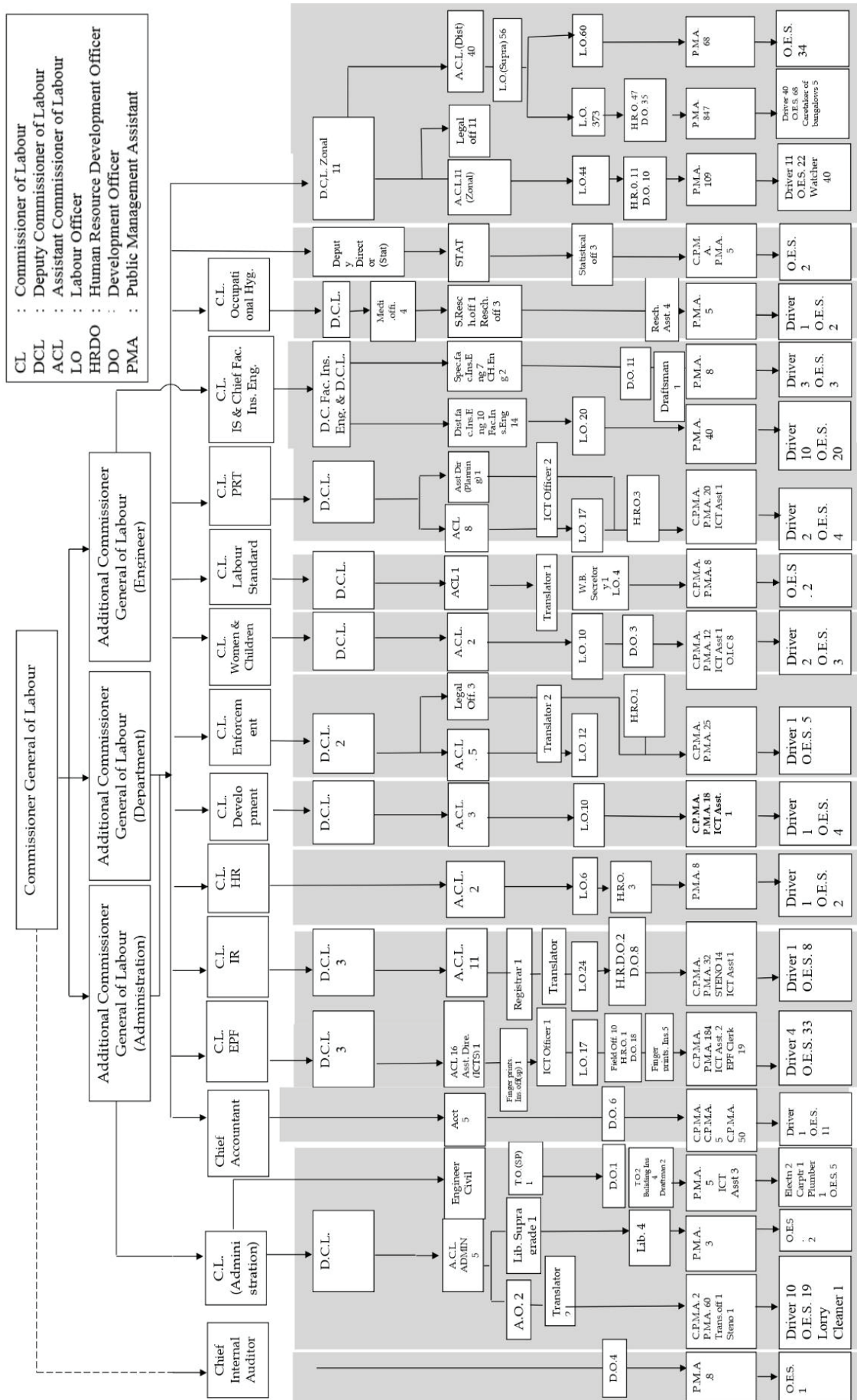
1.1.1 Objectives

- Ensuring stable industrial peace in the work place of semi government and private sectors.
- Enhancement of the service conditions of labourer by way of the formulation of labour standards in order to establish decent work place
- Ensuring the social security of labourer
- Ensuring the protection of women and youths in employment and elimination of child labour
- Establishment of a working environment suit to the health conditions of employees and devoid of accidents

1.1.2 Role

- Promotion of the social dialogue between the employers and employees of institutions
- Giving effect to the labour laws and avoiding labour disputes and settling the existing disputes by way of promoting social dialogue
- Conducting inspections at work places (Labour Inspections) in more productive way and ensuring statutory rights of labourers by way of updating, regularly, the knowledge of the officers serving in the Department.
- Ensuring industrial peace by way of widening the knowledge and understanding of employers and employees on labour laws.
- Formulation and implementation of labour standards so as to suit to the transformations in the national economy following the international
- By proper administration of the Employees' Provident Fund, ensuring benefits properly to the owners of institutions and further the administration of private provident funds and pension schemes in the same manner.
- Giving effect to all labour laws including laws applicable to women, children and youths
- Making employees aware of the safety and health measures and avoiding accidents at their work places and ensuring the safety.
- Collection and analysing of statistical data required for taking decisions regarding above tasks
- Taking action to enforce ILO conventions, which have been ratified by Sri Lanka.
- Dedicating to eliminate child labour and worst form of child labour

1.2. Organizational chart of the Department



1.3. Staff of the Department

Total staff at the beginning of the year 2018	2495
New recruitments made by the Department	50
Attachments to the Department as new appointments from Combined Service	275
Transfers (Net)	(15)
Attachments to the Department on various grounds	1
Retirements from services	(56)
Leaving the Department due to other reasons	(81)
Total staff at the end of the year 2018	2669

Table1.1 - Changes in the staff of the Department - 2018

post	Approved cadre	Number of the staff as at 31.12.2018.	Vacancies
Senior level	210	150	60
Tertiary level	668	514	154
Secondary level	1762	1553	209
Primary level	489	452	37
Total	3129	2669	460

Table1.2 - Staff of the Department on the levels of seniority - 2018

The total approved cadre of the Department is 3129 and 15% of the posts in cadre has fallen vacant. Further 25% of the posts at senior and tertiary levels have also fallen vacant. Accordingly the vacancies existing at the Department at higher level has caused adverse effects for the effort made to introduce and implement innovations.

The particulars of the Department as per Divisions and Labour Offices are as follows.

Post	Ap-proved Number	Existing Number as at 31.12.2018	Vacan-cies
Commissioner General of Labour	1	1	0
Additional Commissioner General of Labour(SLAS)	1	1	0
Additional Commissioner General of Labour(Department)	1	0	1
Additional Commissioner General of Labour(Engineer)	1	0	1

Table 1.3 Staff of the Head Office on the levels of seniority- 2018

Post	Approved Number	Existing Number as at 31.12.2018	Vacancies
Senior Level *	33	16	17
Tertiary Level **	44	23	21
Secondary Level ***	138	119	19
Primary Level ****	42	37	7
Total	257	195	64

Table 1.4 Staff of the Head Office on the levels of seniority- 2018

Post	Approved Number	Existing Number as at 31.12.2018	Vacancies
Senior Level *	109	64	47
Tertiary Level **	118	50	68
Secondary Level ***	496	332	164
Primary Level ****	139	133	6
Total	862	579	285

Table 1.5 Staff of the Zonal Labour Offices on the levels of seniority- 2018

Post	Approved Number	Existing Number as at 31.12.2018	Vacancies
Senior Level *	40	35	5
Tertiary Level **	413	354	59
Secondary Level ***	944	914	33
Primary Level ****	245	219	25
Total	1642	1522	122

Table 1.6 - Staff of the District Offices on the levels of seniority - 2018

Post	Approved Number	Existing Number as at 31.12.2018	Vacancies
Tertiary Level **	77	67	10
Secondary Level ***	131	133	-2
Primary Level ****	34	40	-6
Total	242	240	2

Table 1.7 - Staff of the Sub Offices of labour on the levels of seniority - 2018

Post	Approved Number	Existing Number as at 31.12.2018	Vacancies
Senior Level *	20	20	0
Tertiary Level **	20	2	18
Secondary Level ***	40	34	6
Primary Level ****	30	22	8
Total	110	78	32

Table 1.8 - Staff of the District Factory Inspecting Engineer's Offices on the levels of seniority - 2018

* Officers belonging to senior level

Commissioner General of Labour, Additional Commissioner General of Labour (SLAS), Additional Commissioner General of Labour(Dept.), Additional Commissioner General of Labour(Eng), Medical Officer:Medical Officer / Medical Officer (Research), Commissioner of Labour (SLAS.), Commissioner of Labour (Dept.), Commissioner of Labour (Industrial Safety) and Chief Factory Inspecting Engineer (SLES), Commissioner of Labour (SLScS. / SLMS) , Chief Accountant, Chief Internal Auditor, Chief Legal Officer and Commissioner of Labour (Legal action), Deputy Commissioner of Labour / Deputy Chief Factory Inspecting Engineer (SLES), Deputy Commissioner of Labour (SLAS) Deputy Commissioner of Labour(Dept), Deputy Commissioner of Labour and Special Research Officer (SLScS.), Accountant, Assistant Commissioner of Labour (SLAS.), Assistant Commissioner of Labour(Dept), Legal Officer, Assistant Director -Planning, Specialist Factory Inspecting Engineer (Electricity Safety), Specialist

Factory Inspecting Engineer (Higher Risk and Machinery), Specialist Factory Inspecting Engineer (Safety in Constructions), Specialist Factory Inspecting Engineer (Chemical / Mechanical), Specialist Factory Inspecting Engineer, District Factory Inspecting Engineer, Civil Engineer - (SLES.), Factory Inspecting Engineer – (SLES)Chemical Engineer, Senior Research Officer - (SLScS.), Research Officer - (SLScS.), Assistant Director(SLICTS.)

**** Officers Belonging to tertiary level**

Librarian (Supra Grade), Technological Officer(SLTS. Special Class)Finger Prints Inspecting Officer. (Special Class SLTS), Labour Officer (Supra Grade), Registrar, Information and Communication Technology Officer, Translator (Sinhala- English), Translator(Tamil- English), Translator(Sinhala - Tamil), Administrative Officer, Labour Officer

***** Officers belonging to secondary level**

Field Officer, Human Resources Development Officer, Development Officer, Technological Officer (Civil), Technological Officer (Electrical), Finger Print Inspecting Officer, Research Assistant, Building Inspector, Draftsman, Librarian, Public Management Assistants' Service, Stenographer, Officer in charge, Hostel Matron, Information and Communication Technology Assistant, Transport Officer

****** Officers belonging to primary level**

Driver, Electrician, Carpenter, Plumber, Tourist Bungalow Keeper, Office Employees' Service, Watcher, Lorry Cleaner

	Division	Post	Name
1	Commissioner General of Labour		Mr.A. Wimalaweera
2	Additional Commissioner General of Labour (Admin)		Mr. C.N.Withanachchi
3	Additional Commissioner General of Labour (Dept) (Acting.)		Mr. Janaka Paranamana
4	Additional Commissioner General of Labour (Eng)		Mr.W.I.C.D.R.Fernando
5	Industrial Relations Division	Commissioner of Labour	Mr. K.D.Manoj Priyantha
6	Human Resources Development Division (Social Dialogue and Workplace cooperation unit)	Commissioner of Labour	Mrs. L.D.C. Jayaseeli
7	Special Investigation Unit	Commissioner of Labour	Mrs. N. Jegadeeshwaran
8	Labour Standards Division	Commissioner of Labour	Mr. Janaka Paranamana
9	Industrial Safety Division	Commissioner of Labour	Mr. L.G.Janz
10	Occupational Hygiene Division	Deputy Commissioner of Labour	Dr. Vajira M. Palipana
11	Women's and Children's Affairs Division	Commissioner of Labour	Mrs. Madhavi N. Gunawardana
12	Employees Provident Fund Division	Commissioner of Labour	Mr. D.P.K.R. Weerakoon
13	Law Enforcement Division	Commissioner of Labour	Mr. W.A.D.K.Milanga
14	Administration Division	Commissioner of Labour	Mrs. G.W.N.Viraji
15	Finance Division	Chief Accountant	Mrs. D.K.D.G.Lakmali

16	Statistics Division	Deputy Director (Statistics)	Mr. D.B. Weerawarna
17	Planning, Research, Training and Publication Division	Commissioner of Labour	Mrs. M.D.M.D.Karunathilaka
18	Internal Audit Division	Chief Internal Auditor	Mr. I.L Somasiri
19	Constructions, and Building Maintenance Division	Engineer (Civil)	Mrs. G.H.R.S.E.Silva
20	Library	Librarian	Mrs. H.Renuka Kumari Jayawardana

Table 1.9 - Heads of Divisions of the Department of Labour - 2018

1.4 Special Activities -2018

Department of Labour makes efforts constantly to simplify the laws and rules applicable in the field in order to control the hindrances occur due to complex and problematic situations in the protection of the rights of employees and in the demand of such rights and also to ensure the statutory rights of the employees by way of formulating new laws or making proper revisions to existing laws in order to make the proper base, when the existing laws are not sufficient for obtaining a certain right. The activities, which were commenced by the Department of Labour or which could gain the final results during year 2018 by way of policy decisions in order to widen the legal space, are as follows.

1.4.1 Providing remedial measures for the legal and practical issues faced by employees serving in foreign countries, when making contributions to social security fund

Foreigners working in Sri Lanka as well as Sri Lankans working in foreign countries have to face legal and other practical issues under the laws existing in the respective countries in contributing to the social security funds of their countries. Cancellation of their membership due to the inability to make contributions continuously to social security fund whilst serving in foreign countries and the difficulty to obtain contributions made to the social security fund in the foreign country, when the employee comes back to his/her country, can be highlighted as such issues.

The methodology applied at present all over the world to settle this issue is to enter in to social security agreements between countries. Accordingly, action has been taken by the Department to obtain approval of the Cabinet of Ministers for the revision of Employees' Provident Fund act and regulations enabling Sri Lanka to sign social security agreements with other countries in relation to employees' provident fund and relevant approval has now been granted.

1.4.2 Eliminating the difficulties faced by employees due to non-registration in Employees' Provident Fund

Even today, nearly one third of the members, who apply for benefits of Employees' Provident Fund, have to undergo various difficulties including delays in obtaining the balance deposited in Central Bank of Sri Lanka in favour of their names as a result of not registering them in the Department of Labour by respective employers. The reasons for such situations are unavailability of specific time frames for registration of members under Employees' Provident Fund Act and non-application of the law against the employers, who neglect member registration.

With a view to make remedial measures to this issue, preliminary actions have now been taken to determine specific time frame to employers for registering their employees in Employees' Provident Fund and further to enforce laws if employers do not take action to register their employees within

prescribed time frames. Accordingly this matter has now been submitted for the approval of the Cabinet of Ministers.

1.4.3 Strengthening the right for maternity leave

Women employees were made entitled to the maternity leave of 84 days at every delivery irrespective of the leave obtained by them at previous deliveries. For this purpose, section 3 of Maternity Ordinance and section 18 of Shop and office employees (Regulation of employment and remuneration) Act have been amended.

1.4.4 Extension of the period of leave granted to breastfeeding during working hours.

Until year 2018 the women employees, who were covered under Maternity Benefits Ordinance, were entitled to enjoy breastfeeding hours. However this right was extended in year 2018 to the women employees covered under Shop and Office Act. For this purpose section 18(1) was included in Shop and Office Act. Assurance of health and occupational rights of women and children has made more welcoming environment for women employees to join with labour force. This measure has made an important contribution to enhance social and economic development of the country.

1.4.5 Ensuring the safety of children , who are employed

Proposals have been made to amend the regulations made regarding employments of dangerous nature reviewing widely such regulations made under Employment of Women, Young Persons and Children Act. Accordingly action has been taken to enhance the safety of children by way of rising the minimum age for employing children from 14 years up to 16 through amendments made to Employment of Women, Young Persons and Children Act, Shop and office employees (Regulation of employment and remuneration) Act and Factory Ordinance.

1.4.6 Enhancing the lucidity and simplicity of labour laws and assuring equal rights for equal responsibility

It is evident that equal rights are not granted to employees, when labour rights are assured by various existing acts.

In a situation where different laws are applied for employees working in shops, offices and factories, approval of the Cabinet of Ministers has been granted on 10.07.2018 to introduce one act with the inclusion of service conditions to control prejudices caused to employees due to the grounds such as lack of equal treatment for employees, who provide similar service within equal time, lack of understanding of employers and employees on the correct laws to be implemented, inflexibility of laws applied for the working time of employees, opportunity for occupying part time jobs, engaging women in night shifts , contradictions observed in production sector regarding the time periods for engaging on overtime allowances, legal issues arisen due to different interpretations applied manpower institutions, discriminations faced by employees in private sector, lack of adequate laws to control sexual harassments etc. It is expected to achieve following objectives by the new act.

Ensuring the rights for leave, overtime payments, working hours, uniforms etc. without considering the levels of the occupation by way of imposing one and the same law irrespective of the fields such as factories, offices and agriculture

Establishment of a labour law and specific laws, for which constant approvals are not needed, in consistent with the conditions of a modern work place

Accordingly 8 rounds of discussions were conducted all over the island in order to obtain the views of employers, employees and trade unions for the formulation of basic draft to introduce one act instead of four laws such as Employment of Women, Young Persons and Children act, Shop and Office Employees act, Maternity Benefits Ordinance and Wages Board Ordinance. Accordingly wide discussion was conducted regarding the challenges and issues, which should be considered in the formulation of this act.

1.4.7 Safeguarding employees from accidents

Employees working in factories may be exposed to accidents due to facts such as electricity, heat, air pressure as well as some parts of machinery. Even though factory owner should have followed precautions to avoid such accidents, it has not reported that there measures are being followed properly.

These situations can only be managed with the introduction and implementation of laws. Therefore with a view to control such hazardous situations, tripartite discussions were conducted to amend the Factory ordinance with respect to followings and submitted to the Parliament for approval after preparation of following.

- Regulations in respect of registration of factories and approval of building plans
- Regulation for the registration of steam boilers
- Regulations for the inspection and issuance of certificates for steam boilers and compressors
- Regulations for safeguarding employees from loud noises
- Regulations for lighting standards

With the above amendment to the act, there will be a legal base, which may facilitate to avoid instant or long term adverse effects caused to the health of employees or to make avenues for obtaining compensations regarding the damages.

1.4.8 Restructuring of the Department of Labour

The institutional structure of the Department of Labour in year 2016 has been prepared based on the organizational chart and staff designations of last restructuring programme in 2012. However by that time the number of institutions, to which we had to deliver services, has increased and the quality of the service delivery has also been improved due to the enhancement of the facilities as a result of development of technology. Having taken into consideration the above situation, a necessity has been observed by year 2016 to restructure the department in order to ensure better service delivery. Therefore the restructuring of the Department of Labour has been initiated as per the decision of the Cabinet of Ministers No 403/17/1970/712/024 and the report of the committee for restructuring by way of making changes in the methodologies for decentralization of powers and the organizational structure in order to make the vision and mission of the Department a reality.

The above mentioned committee has made rationale for the duties entrusted to each division, zone, district and sub labour office and for duties entrusted to the officers in each office in consistent with the restructuring process of the Department of Labour and it has been submitted to the Department of Management Services on 22.06.2018 to get the approval for the posts proposed in the restructuring process. The Department of Management Services has informed on 26.07.2018 that action has been taken to obtain observations and recommendations of National Salaries and Cadre Commission. Accordingly the report containing the rationale has been submitted to National Salaries and Cadre Commission on 01.11.2018.

Discussions have been conducted with National Salaries and Cadre Commission during year 2018 to discuss the proposals mentioned in the report submitted to them for obtaining approval for new posts relating to restructuring programme.

It is expected that, the capacity of the Department to ensure maximum service delivery at the doorstep of the recipients at divisional level whilst minimizing the difficulties faced by the general public, will be enhanced as a result of this programme. Further it is expected that the effectiveness of the service delivery will also be improved as a result of the motivation gained by the staff, who delivers services without job satisfaction due to unavailability of adequate opportunities for promotions.

1.5 International Relations

1.5.1 International Labour Organization (ILO)

International Labour Organization, which is committed to establish a decent work place focused on the needs of humans whilst ensuring the dignity, freedom, security and rights of employees and enhancing social justice by way of formulating and establishing international labour charters in all the countries, is the representative agency of the United Nations Organization. The country office of International Labour Organization has been constantly provide instructions, technological assistance and training with a view to ensure therights of employees in Sri Lanka.

The country office of the International Labour Organization for Sri Lanka maintains a close relationship with the Ministry of Labour and Trade Union Relations and the Department of Labour.

The friendly relationship between the Department of Labour and the International Labour Organization for a long time enables to achieve mutual benefits. The Department supports the ILO to fulfill its objectives in a way of updating Departmental functions with the guidance of the ILO and ratifying international conventions, whilts the ILO working on establishing decent work environment and favourable conditions for Sri Lankan labour force.

By year 2018 Sri Lanka has ratified 43 international conventions and P 29 protocol is due to be signed in year 2019.

The main organizational structure of International Labour Organization in the formulation of its policies is International Labour Conference. A tripartite group consisting of the representatives of the Ministry of Labour and Trade Union Relations, representatives of the Department of Labour, Trade unions and Employers' Federation participate annually in the above mentioned conference and the guidance and experiences gained at the conference are highly important to make a positive improvement in the legal system of Sri Lanka.

International Labour Organization makes its intervention to enhance the awareness of the officers and to provide technological assistance to establish healthy situation for the labour force of Sri Lanka and in the meantime it serves as the facilitator for the purpose whilst providing financial aids. Programmes conducted within Sri Lanka during year 2018 are as follows. In addition, it has provided financial contribution to direct 03 officers of the Department of Labour for 03 short term overseas training programmes.

Serial No	Date/s of the programme	Title of the programme	Venue of the programme	Number of the participants	Expected output	Expected outcome
01	19.01.2018	Tripartite consultative workshop on 29th protocol of International Labor Organization on forced labour	Hotel Renuka City, Colombo 03	50 members of National Labour Advisory Council	Obtaining the views of stakeholders	Ratifying 29th protocol
02	19.02.2018	One day workshop on child labour	Hotel Janaki, Colombo 03	87 members (Assistant Commissioners of Labour, Deputy Commissioners of Labour and Senior Labour Officers)	<ul style="list-style-type: none"> Establishment of a special unit for child labour Capacity building of Labour Officers on the policies on child labour and guidelines on child labour for the preparation of action plans for every district Enhancing the participation of Labour Officers in Child Development Committee at District level, which is the district mechanism for the protection of children, in order to minimize child labour and promotion of social security networks at district and community levels 	Establishment of a proper coordination among the institutions work on matters relating to children
03	09.04.2018	Workshop to conclude the preparation of the Occupational Safety and Health act	Hotel Janaki, Colombo 03	Stakeholders-20 Other - 5	Obtaining the views of stakeholders	Final draft of the act

04	20.08.2018	Tripartite study tour of representatives of Sri Lanka to South Africa	South Africa	09 representatives (Hon Minister, Vice Chairman- Ceylon Federation of Labour, Co secretary- The Free Trade Zone and General Service Employees' Union, General Secretary- National Trade Union Federation, Director General- The Employers' Federation of Ceylon, Director (HR) - Aitken Spence Hotel Management Pvt Ltd, Group Chief People Officer- Brandix,	Enhancing the knowledge on the labour system of South Africa	Restructuring of National Labour Advisory Council (NLAC)
----	------------	---	--------------	---	--	--

Table 1.10 Programmes conducted under the sponsorship of International Labour Organization

Serial No	Title of the programme	Venue of the programme	Category of officers, who have participated	Number of the officers, who have participated
01	Decent work in tea plantation industry 1	Hotel Renuka City, Colombo 03	Labour Officers	48
02	Decent work in tea plantation industry 2	Polgolla Training Center, Kandy	Deputy Labour Officers / Labour Officers	56
03	Decent work in tea plantation industry 3	Colombo City Hotel, Colombo Fort	Deputy Labour Officers / Labour Officers	61
04	Decent work in tea plantation industry 4	Colombo City Hotel, Colombo Fort	Deputy Labour Officers / Labour Officers	56
05	Programme for training of trainers on occupational hygiene - 05	Hotel Villa Ocean View , Wadduwa	Labour Officers	30
06	Workshop on the preparation of strategic plan for the Department of Labour	Hotel Renuka City, Colombo 03	Add. Commissioner General of Labour/ Commissioner of Labour/ Accountant/Engineer/Chief Internal Auditor/Dep. Commissioner of Labour/Asst. Commissioner of Labour/Asst. Director (Planning)/Lagal Officer	37

Table 1.11 Programmes conducted under the financial assistant of International Labour Organization for the officers of the Department

2. Ensuring industrial peace for promotion of economic development

2.1 Introduction

Since the vision of the Department is “A country with everlasting Industrial Peace for an internationally competitive economy”, main and the most essential role of the Department is to maintain industrial peace. In order to achieve this vision, Department functions in four main areas.

They are as follows;

- 2.1.1 Maintaining a dialogue between employers and employees
- 2.1.2 Inspection of the work places (Labour inspections)
- 2.1.3 Settling the complaints received on violations of statutory rights and conciliation industrial disputes
- 2.1.4 Prosecution to secure the occupational rights of employees

Department makes each and every possible effort to maintain industrial peace by way of performing above mentioned tasks.

2.2 Role

2.2.1 Maintaining a dialogue between employers and employees

Human Resources Division of the Department implements the process for the creation of a work environment, which ensures industrial peace between employers and employees to enhance the efficiency and productivity in semi government institutions and private institutions scattered all over the island.

For this purpose following measures are taken;

- 2.2.1.1 Building workplace cooperation by way of the introduction and implementation of the policies and strategies for the promotion of social dialogue at the level of institutions.
- 2.2.1.2 Building industrial peace by playing the role of a facilitator to have collective agreements
- 2.2.1.3 Making both employers and employees aware of labour laws by way of awareness programmes in order to establish decent working environment at semi government and private institutions. For this purpose programmes are organized and conducted at institutional level and for managers and employers.



Photo2.1 Dialogue among employers and employees in semi government and private sector - 2018 Officers of the Department



Photo2.2 Dialogue among employers and employees in semi government and private sector - 2018 Participation of employers and employees

- 2.2.1.4 Building tripartite relationship through regional offices of the Department of Labour with the participation of employers, employees and Deputy/ Assistant Commissioner of Labour and conducting zonal advisory councils to collect information for the formulation of policies.
- 2.2.1.5 Conducting the dialogue at zonal level in order to share the knowledge and settle issues observed on labour laws between employers and employees.
- 2.2.1.6 Launching the Magazine "Kathikawa" in order to avoid industrial disputes.
- 2.2.1.7 In the meantime action is taken to conduct an all Island competition on social dialogue and workplace cooperation at small, medium and large scale institutions annually so as to represent production, services, garment and estate sectors to verify as to what extent this social dialogue has been established in the institutions. Concurrently to the above competition, an essay, poems (In Sinhala and Tamil), paintings, posters and short video films competitions are also organized.



Photo 2.3. Commissioner General of Labour addressing the gathering



Photo 2.4. Secretary to the Ministry and Commissioner General of Labour viewing the paintings of competition

Competition on Social discourse and collaboration at work place - 2018

Serial No	Task	Number of programmes
01	Awareness Programmes organized by Social dialogue division at institutional level for employers and employees	72
02	Awareness Programmes organized by Social dialogue division for managers and employers	10
03	Awareness workshops organized by District Offices for employers and employees	40
04	Awareness workshops organized by Sub Offices for employers and employees	17
05	Zonal Social Dialogue programmes	11
06	'Kathikawa' magazine	01
07	Social Dialogue Excellency Awards Ceremony (04.12.2018.)	01

Table 2.1 Tasks performed by the Human Resources Development Division - 2018

2.2.2 Conducting inspections at work places (Labour)

Main objective of the labour inspections conducted at the work places is to verify whether the rules and regulations imposed to ensure the statutory rights of employees are followed properly at work places and then establish a cordial relationship to avoid issues between employees and employers taking necessary measures. Accordingly it is expected by a successful methodology applied for inspection to take measures to avoid violations of labour laws as soon as such situation is observed. The other objective of such inspection is to avoid disputes, which may arise between employer and employee.

Therefore a Labour Officer pay attention on

- Conditions applied in the work place including salaries, working hours, entitlement to leave, payment for overtime
- Employee's entitlement to Employees' Provident Fund
- Measure taken to maintain health and hygiene conditions at the work place
- Vulnerable Employees such as women, young persons and children and perform following tasks

2.2.2.1 Implementation of labour laws enforced in Sri Lanka and taking relevant legal actions.

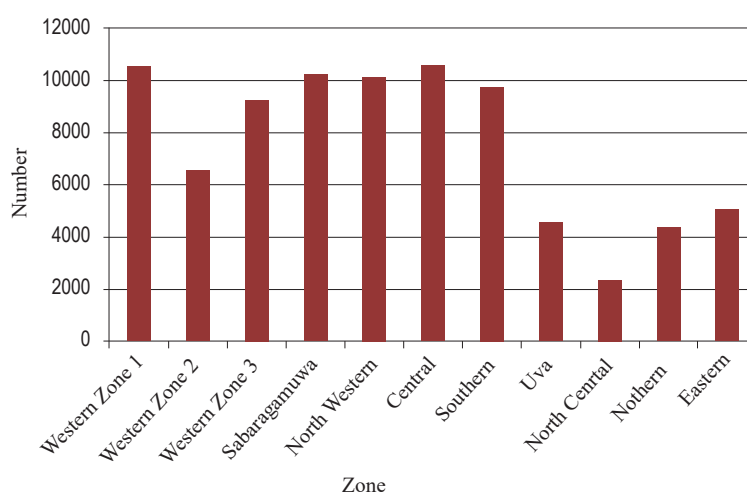
2.2.2.2 Making the employer aware of the measures to be followed in taking actions according to the existing labour law.

2.2.2.3 Making officers at senior level aware of the identified issues, which cannot be settled under the existing law

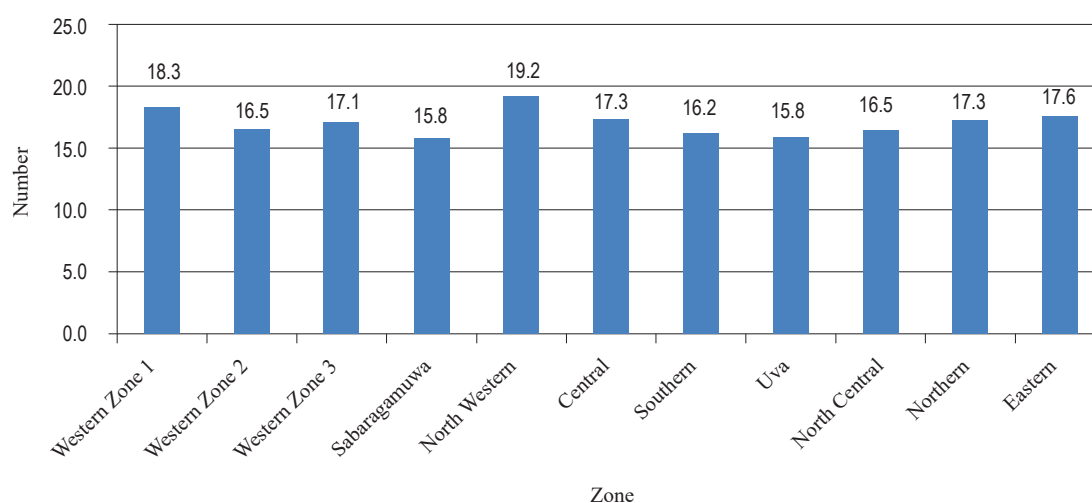
2.2.2.4 Implementation of collective agreements.

2.2.2.5 Intervention to settle social security issues under existing law.

2.2.2.6 Conducting investigations on anonymous complaints and complaints to which special attention should be paid, and taking action to build up a cordial relationship between employer and employee.



Graph 2.1 - Inspections of Service stations (Labour) - 2018
(Total number of inspections during year 2018 is 83,333)



Graph2.2 - Average number of inspections made monthly by a Labour Officer (Labour) - 2018

For this purpose 11 Zonal Labour Offices, 40 District Offices under Zonal Offices and 17 Sub Labour Offices have been established covering all over the island and 507 Labour Officers have also been engaged in the service. This task is performed by District Labour offices and Sub Labour Offices and the supervision of the tasks is carried out by an Assistant Commissioner of Labour and Senior Labour Offices. Further the supervision of these offices is carried out by Zonal Labour Office, which is directed under Deputy Commissioner of Labour. The whole process is maintained under the direction and supervision of Additional Commissioner General of Labour (Department).

Accordingly the average number of inspections carried out by a Labour Officer during year 2018 is 204 and the total number of inspections carried out during year 2018 is 83,333.

2.2.3 Settling the complaints made on the violation of statutory rights and industrial disputes.

Complaints on the instances where violations of statutory laws, possibilities for industrial disputes and strikes are made to Head Office, District Offices and sub offices by employees or various other parties. Accordingly District Offices, Zonal Offices or relevant Divisions of the Head Office take necessary action to settle such issues. In case where these issues cannot be settled by such measures, action is taken to provide settlement by way of referring the matter to an arbitrator or labour tribunal on the order of Hon. Minister in charge of the subject.

By this way both employers and employees can gain benefits whilst contribution is made also for the development of national economy. In wider aspect, the Industrial Relations Division bear the responsibility to ensure industrial peace and contribute to the economic growth and development of the country whilst securing the rights of employees. For this purpose three sub divisions are maintained under industrial relations division. They are Division for termination of service, Division for trade unions and Industrial Court.

2.2.3.1 Legal provisions, which are in force

2.2.3.1.1 Industrial Disputes (Amended) Act No 43 of 1950

2.2.3.1.3 Payment of gratuity (Amended) Act No 12 of 1983

2.2.3.1.3 Termination of employment of workmen Act (Special Provisions) (Amended) Act No 45 of 1971

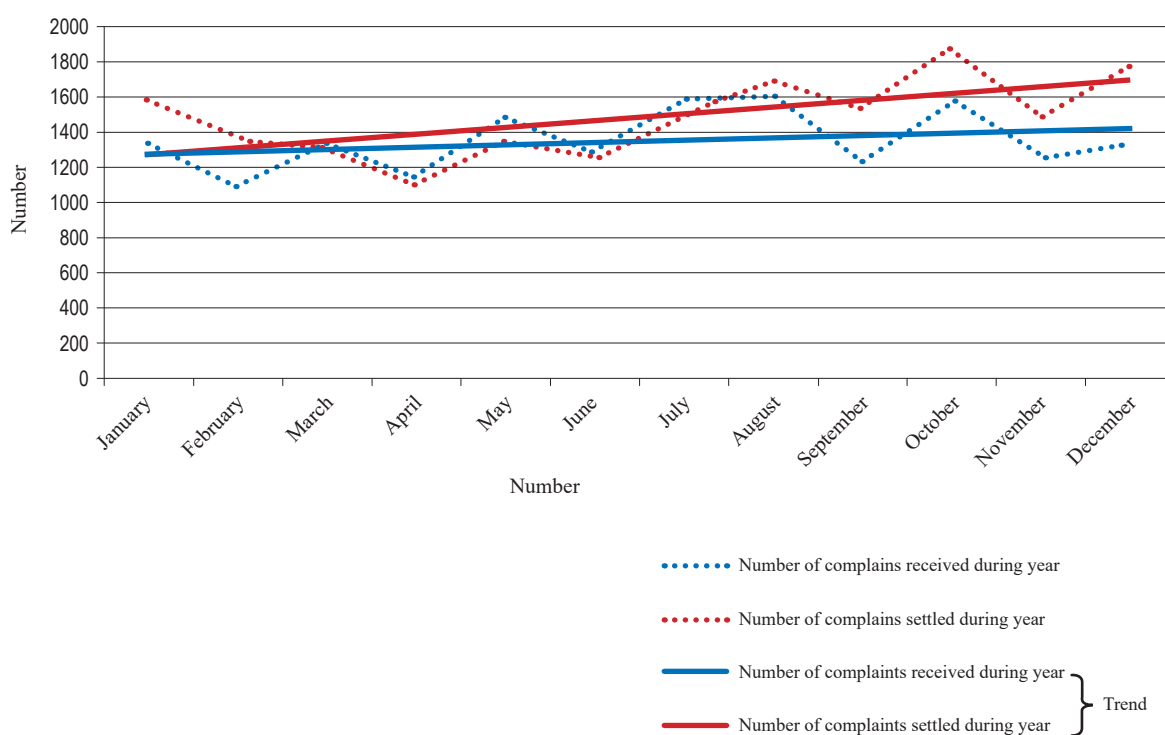
2.2.3.1.3 Trade Unions (Amended) Ordinance No 14 of 1935

2.2.3.2 Implementation of Industrial Disputes Act

‘Industrial dispute’ means any dispute or difference between an employer and a workman or between employers and workmen or between workmen and workmen connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, or the termination of the services, or the reinstatement in service, of any person, and for the purpose of this definition ‘workmen’ includes a Trade Union consisting of workmen. (Section 48 of Industrial Act (Definitions))

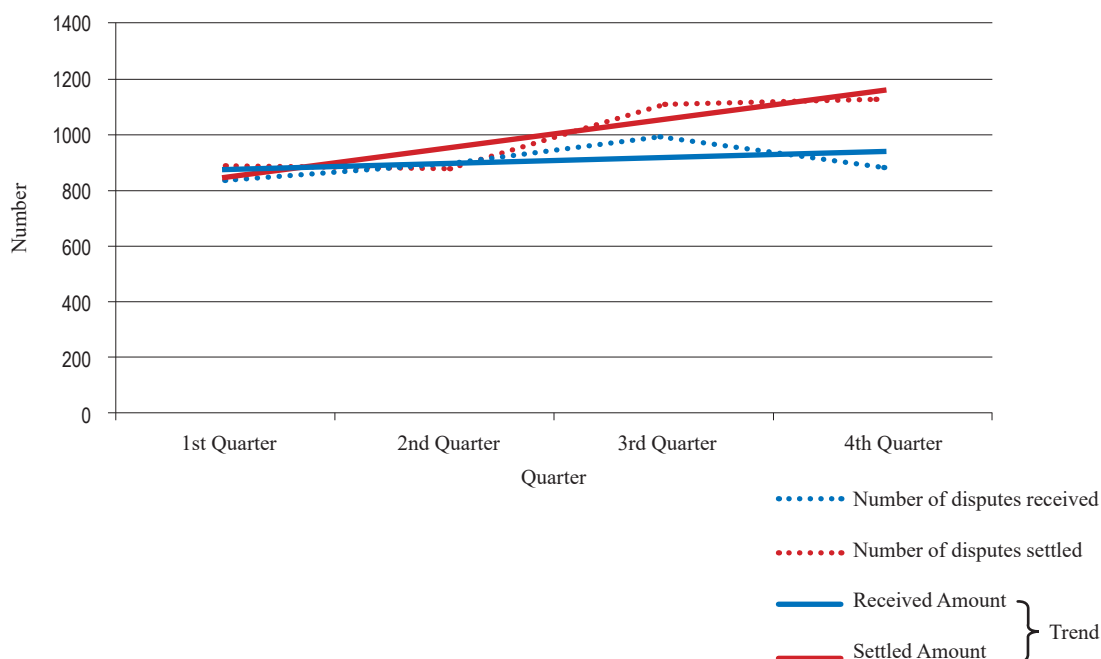
The intervention made to avoid an industrial dispute or intervention made in an instance where there is an industrial dispute will avoid the financial losses which may have caused to the parties of such disputes and further makes a positive effect for the maintenance of long term mutual understanding and maintenance of the relevant institution. At such occasions, where any industrial dispute is observed, District Offices, Sub Offices and Industrial Relations Division make intervention as a mediator to settle the issue through discussion. Any settlement made at such occasion will be legally enforced by the agreements made under section 12 (1) of Industrial Act. This measure is taken by District Labour Offices, and Zonal Offices and further Industrial Relations Division also intervenes directly in this regard. Any dispute, which cannot be settled in this way, refer either for arbitration or industrial court. For this purpose, the Arbitrator / Industrial Court serves as an independent body. Accordingly necessary measures are made by Arbitrator/ Industrial Court in consideration fairly and rationally with the submissions made by relevant parties. Such decision issued by above institution is a legal order, which can be enforced by Magistrate Court.

Referring the issue to an Arbitrator means the submission of a dispute to an Arbitrator. Referring the issue to the Industrial Court means the submission of the issue to a panel of arbitrators. Further the party which handle the case is known as 'Industrial Court'.



Graph2.3 - Complaints made on violation of the rights of employees and measures taken in this regard - 2018

The higher number observed in the complaints, to which settlements have been made, comparatively to the number of complaints made during the year and the higher tendency in settling issues than comparatively to the receipt of complaints show the future possibility to minimize the time taken to settle these issues.



Graph 2.4 - Complaints on Industrial disputes and measures taken - 2018

2.2.3.2.1 Minimizing the possibility for strikes at work places

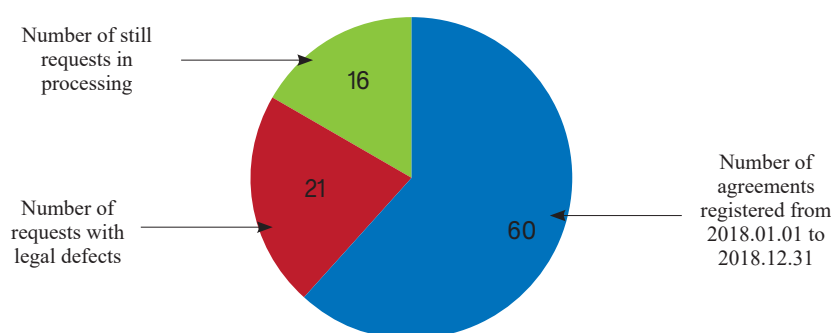
As clarified under the above mentioned titles, Labour Officers make their intervention to control the issue as soon as any situation, which may be developed to a strike, is observed. If any strike is declared, relevant Labour Officer, Assistant Commissioner of Labour and Deputy Commissioner of Labour intervene to make a settlement to the issue. Even the Commissioner of Labour also intervenes where ever necessary. It is necessary to make a settlement between employer and employees in order to suspend or stop a strike. If such effort ends with failure, that may cause at the first instance for the decline in the production, efficiency or loss of labour hours of the relevant institution, and finally closing down of the institution bringing adverse effects to national economy. Therefor fruitful intervention is needed in this regard. However the number of the strikes reported during year 2017 shows a clear decline relatively to the number of strikes reported in year 2016 and the number of strikes reported during year 2018 is very close to the number in 2017.

Serial Number	Event	Estate	Construc- tion	Manufac- turing	Mining	Semi Gov- ernment	Other ser- vices	Grand total
01	Reported strikes	21	01	14	01	02	02	41
02	Number of the employees participated in strikes	7402	110	4360	60	830	198	12,960
03	Number of labour days lost.	23654	110	9965	120	5815	344	40,008

Table 2.2 - Recorded data on strikes - 2018

2.2.3.2.2. Registration of collective agreements

The collective agreements made in the settlement of industrial disputes provide more permanent solution to both employers and employees. Further collective agreement makes an avenue for the employees to enjoy more rights and privileges than the same ensured by labour laws. Since a gradual decline is shown in the number of collective agreements registered during previous years, Department makes an effort to stimulate relevant parties for collective agreements by way of social dialogue.

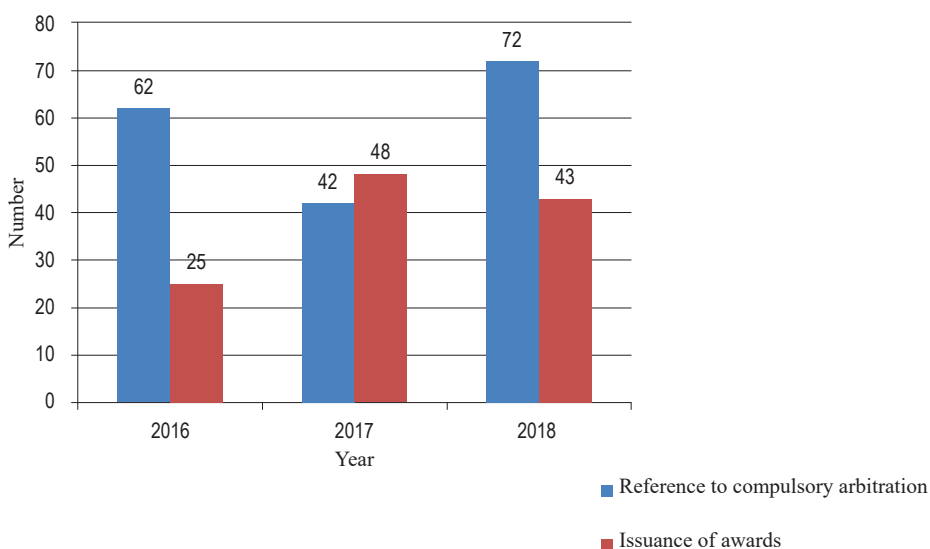


Graph 2.5. Registration of collective agreements -2018

2.2.3.2.3 Arbitration and affairs of Industrial Court

Main objective of arbitration and Industrial Court is to make settlements for industrial disputes and accordingly necessary awards are given by an arbitrator or Industrial Court after examining the disputes. Further Industrial Relations Division takes action to seek definitions where ever necessary and also to deal with writ orders, which are issued against the awards made in arbitration, joining with Legal Division and the Department of Attorney General.

A panel consists of 17 members has been appointed in year 2018 for affairs of Industrial Court and prompt action has been taken by this panel to make settlements for these industrial disputes.



Graph2.6

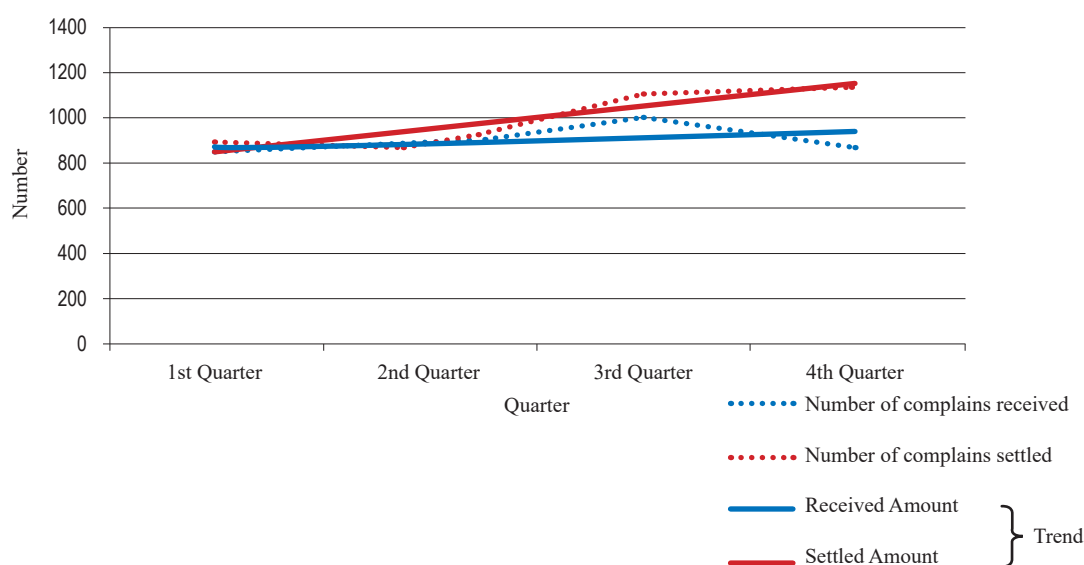
Affairs of Industrial Court - 2016,2017,2018

2.2.3.1 Implementation of the Payment of Gratuity Act

Gratuity means the allowance granted by an employer in private or semi government sector either to the employee or his/her dependant based on the service period and the salary received by the employee during the period of service, when the service of an employee is terminated as a result of retirement, death or any other way. This Act contains all laws and rules pertaining to the entitlement and payment of gratuity.

Written as well as verbal instructions are given to both employer and employee regarding the issues arisen in the payment of gratuity and further action is taken also by Industrial Relations Division regarding the complaints made connecting to the aforesaid Act.

Inquiries on the complaints made against the non-payment of gratuity are carried out by District Labour Offices and the notifications connecting to the non-payment of gratuity are also issued by the Division. The Deputy Commissioner of Labour of the respective zonal office takes necessary measures to file cases at the Magistrate Court to get those notifications implemented. Further Industrial Relations Division gives necessary instructions to District Assistant Commissioners of Labour and Deputy Commissioners of Labour during this process.



Graph 2.7 - Complains received and settled on nonpayment of gratuity- 2018

2.2.3.3 Implementation of Termination of employment of workmen (Special Provisions) Act

This Act contains the laws, rules and regulations which are applicable for the termination of the service of an employee. Department implements provisions such as minimizing the arbitrary and illegal termination of service, providing concessions in fair and rational way to employees, who lose their employment due to environmental changes, making provisions to business community to remove promptly their employees in excess in the implementation of strategies applied to strengthen business to suit to the development in the economy.

For the purpose of the employees in private sector, any termination of service, which is made without prior written approval of the Commissioner of Labour or the consent of the employee, is treated as an unlawful termination of service. (Subject to exceptions) An employee has the right to make a complaint to the Commissioner of Labour regarding any unlawful termination of service and further action regarding such complaints are taken by the Division for termination of service.

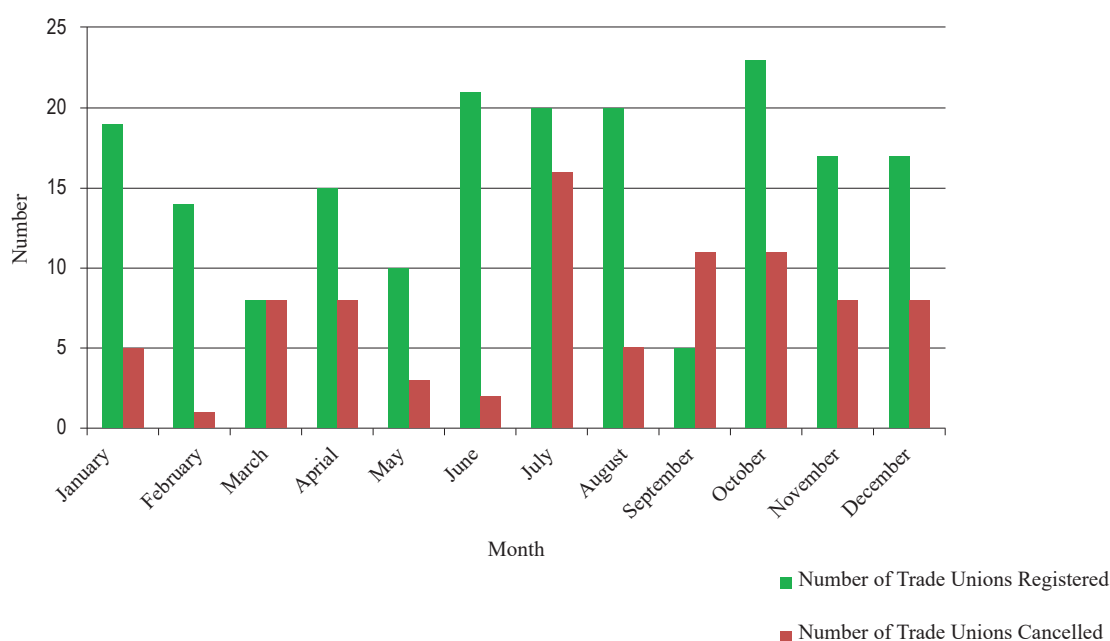
In case where a certain employer expects to terminate the service of an employee or group of employees on reasonable ground, an application can be made for the purpose to the Commissioner of Labour under the aforesaid Act and further action regarding such applications are also taken by Division for termination of service. This Division conducts inquiries regarding the complaints made by employees and applications made by employers calling relevant parties and then issues an order. This is an order, which can be enforced by a Magistrate Court.

2.2.3.4 Implementation of Trade Union Act

The Freedom of speech, assembly, association, occupation, movement of citizen has been ensured by way of including the phrase ‘every citizen has the freedom to form and join a trade union’ in para 14 d under Fundamental Rights described in Chapter iii of the Constitution.

Accordingly employees have been granted opportunity to form and maintain trade unions and to take necessary action by way of ensuring their right to enjoy the freedom provided by the Constitution.

Opportunity has been provided to employer and employee to make submissions not as individuals but as a group by way of allowing to form trade unions with a view to open an avenue in a violation of industrial peace to consider the facts made by both parties in a fair and impartial way.



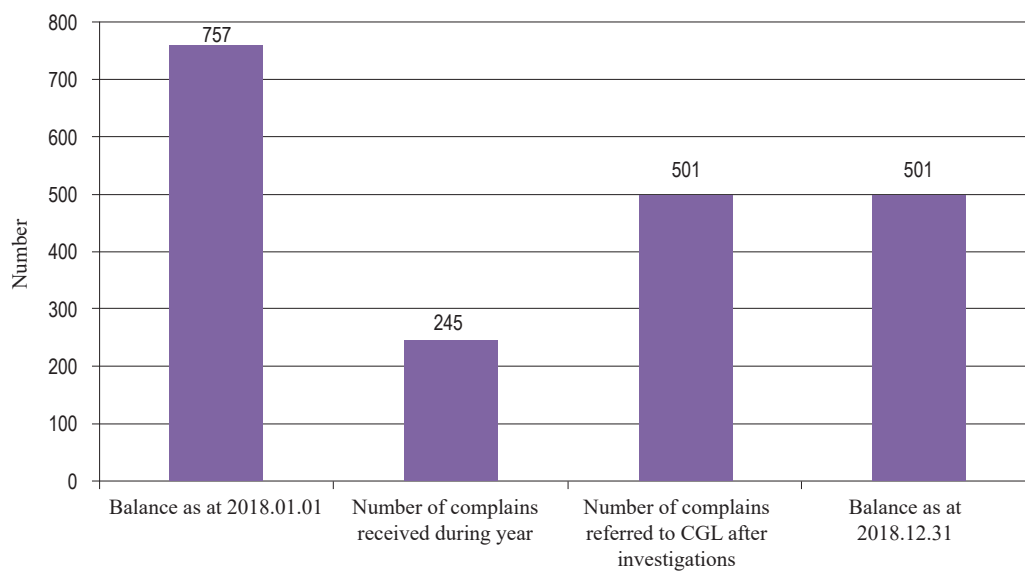
Graph 2.8–Registration and cancellation of trade unions - 2018
(Number of active trade unions as at 31.12.2018 was 1909.)

2.2.3.5 Special Investigations

In addition to the routine labour inspections and inspections on complaints, any request made to the Commissioner General of Labour by a party to conduct an independent inquiry, who is not satisfied with the investigation conducted on a complaint or inspection at workplace (Employees), will be referred to Special Investigation Division as necessary. This Division is empowered to conduct an investigation at any place in Sri Lanka on the order issued by the Commissioner General of Labour. Further this Division is treated as a special division as it conducts urgent and sudden inquiries and special investigations.

The role of the Special Investigation Division is to conduct investigations on the complaints referred by President’s Secretariat, Parliamentary Advisory Committee, and Committee for common complaints, Human Rights Commission, Ombudsman’s Office, Ministry of Labour and Trade Union Relations and conduct investigations on the complaints made against semi government institutions and also to conduct site investigations and report to the Commissioner General of Labour.

Accordingly 501 investigations have been conducted in year 2018 and the amount in arrears , which has been calculated , is Rs. . 141,776,811.58.



Graph 2.9. Special Investigations - 2018

3. Standardization of Labour Rights

3.1 Introduction

The process, which contains the formulation and updating of salaries, service conditions and conditions applied for the employment security and welfare of the employees in private sector, and making them legalized, is conducted by the Department continuously. Making necessary clarifications which are required to settle problematic situations arisen in respect of service conditions and environment and ensuring the rights of employees by way of reviewing the progress in the implementation of standards and carrying out supervision are also an important part of this process. The whole responsibility is therefore shouldered by the Labour Standards Division of the Department.

3.2 Legal provisions, which are in force

- 3.2.1 Wages Boards Ordinance of 1947
- 3.2.2 Shop and office employees (Regulations of employment and remuneration) Act No 19 of 1954
- 3.2.3 Budgetary Relief Allowance of workers Act No 36 of 2005
- 3.2.4 National minimum wage of workers Act No 03 of 2016
- 3.2.5 Budgetary Relief Allowance of workers Act No 04 of 2016

3.3 Implementation of legal provisions

Inspections are made regarding the implementation of above legal provisions and other labour laws, when inspections (Labour inspections) are conducted by Labour Officers of District and Sub Labour Offices and action is taken to safeguard the rights of employees' conducting inquiries regarding the complaints made on violation of the respective provisions.

3.2.1 Wages Boards Ordinance

- 3.2.1.1 Role of the Labour Standards Division in the implementation of the Act
 - 3.2.1.1.1 Formulation of provisions relevant to the appointment of the representatives of employers and employees, establishment of wages boards, reporting the decisions, and publicizing those decisions;

The decisions taken by the wages boards are published in newspapers/ gazettes in three languages and a period of 14 working days is given to general public to express their views. If there are any proposed revisions, the relevant wages board considers them at a meeting and then make such revisions legalized by way of publishing them in the gazette notification after obtaining approval of the Minister.

- 3.2.1.1.2 Providing coverage to the employees in the informal sector by way of increasing the number of posts of functioning boards.
- 3.2.1.1.3 Identifying the industries, where there is an adequate number of employees in changing economic and social environment and collecting information relevant to that task by district Labour Offices and taking action to establish new boards.
- 3.2.1.1.4 Since there are service categories , which are not utilized in the existing industries, identifying them and taking decisions to update them as per new service categories. (E.G. Rubber cultivation and processing industry, transport industry at harbors and forts)
- 3.2.1.1.5 Updating the minimum salary belonging to relevant wages board.
- 3.2.1.2 Provisions of the Act

Provisions are made under the orders of this Act for formalization of wages and other remunerations of those employed in industries, establishment and incorporation of wages boards for matters therewith or incidental tasks. Accordingly provisions relating to the minimum salary paid to employees in a certain service, number of working hours, period of leave and orders related to other matters and legal base for imposition of such orders are included in this Act.

Wages Boards Ordinance consists of two parts.

1. Provisions relating to all trades
2. Provisions relating to 44 specific trades (44 wages boards)

Part 1 - Provisions relating to all trades

Provisions such as payment of salaries, authorized deductions from salary, dates for payment of salary, poya day and payments for engagement in service on Poya days, matters included in salary slips etc. are available under part 1 of the ordinance so as to apply in any trade.

Part 2 - Provisions relating to 44 specific trades (44 wages boards)

Minister of Labour is empowered under Wages Boards Ordinance to establish a wages board for a certain industry, a branch of such industry, or a certain task or a process of an industry. Wages Board is a mechanism which consists of three parties i.e. employer, employee and representatives appointed by the Minister.

Trade includes any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or worker, and any branch of, or any function or process in, any trade, but does not include any industry, business or undertaking which is carried on mainly for the purpose of giving an industrial training to juvenile offenders or orphans or to persons who are destitute dumb, deaf or blind.

3.2.1.3 Role of a wage board

Determining the minimum salaries of each wages board, determining the working hours (Hours per day/ week) number of working days, overtime, holidays in the week and related provisions, annual leave and the method of their calculation, public holidays and methods of payment for working on such holidays, and taking decisions in relation to these matters and making them a part of the law.

In addition to the above, salaries, service environment and conditions are also determined.

3.2.2 Shop and office employees (Regulations of employment and remuneration) Act

Provisions pertaining to determine the working hours of shops and offices, streamlining the facilities of employees working in shops and offices, opening hours are included in this Act.

Under this act, regulations are made in relation to the service conditions and environment of employees working in shops and offices, determining working hours under modifications, determining the day off in the week, its entitlement, number of public holidays and method for calculating overtime and the facilities to be provided to employees. Further it contains the method of issuing a letter of appointment and its content. It is mentioned that the particulars such as salary and service conditions should be included in a letter of appointment in terms of the agreement made by two parties.

The documents and registers which are to be maintained under the Shop and Office employees act, are attendance register, leave register, salary register, service records, letter of appointment and personal files.

3.2.3 Budgetary Relief Allowance of workers Act

Budgetary Relief Allowance of workers Act no 36 of 2005

An Act to provide for the payment of a budgetary relief allowance by employers to workers and for matters connected therewith or incidental thereto.

Accordingly every employee engaged in an industry receiving salary below to Rs. 20,000 is entitled to an allowance of Rs. 1,000 monthly from 01.08.2005. This allowance should be made applicable to all statutory rights.

Budgetary Relief Allowance of workers Act No04 of 2016

This an Act introduced for making provisions for the payment of a budgetary relief allowance to employees by employers and subsequent matters.

Accordingly every employee engaged in an industry receiving salary below to Rs. 40,000 is entitled to an allowance of Rs. 1,500 monthly from 01.01.2015 and Rs. 2,500 monthly from 01.01.2016. . This allowance should be made applicable to all statutory rights.

3.2.4 National minimum wage of workers Act

An Act to provide for the payment of national minimum wage by employers to workers and for matters connected therewith or incidental thereto.

It has been decided by the Act that the minimum monthly wage of every employee occupied in a certain industry should be not less than Rs. 10,000. Further it has been decided to make that payment from 01.01.2016.

3.2.5 Other functions performed by Labour Standard Division in addition to standardization of employees rights

Granting approval for deductions from the salary

Granting approval for engaging employees on public holidays

Granting approval for the week of 05 working days

Making legal clarifications in relation to 05 Acts implemented

Verifying the legal validity of collective agreements

Updating the decisions of wages boards

Preparation of the booklet containing the decisions of wages boards (In Sinhala/ Tamil/ English languages)

3.4 Tasks performed - 2018

Serial No	Wage Board	Minimum salary before updating salaries (Initial salary)	Minimum salary after updating salaries (Initial salary)
1	Cultivation field		
1.1	Tea export trade	9,660.00	14,000.00
1.2	Rubber export trade	8,970.00	13,000.00
1.3	Coconut growing trade	9,520.00	12,520.00
2	Field of production		

2.1	Tanning , footwear and leather goods manufac- turing	9,660.00	14,500.00
2.2	Ice and aerated water, cordials and jam manufac- turing trade	9,315.00	13,000.00
2.3	Biscuits and confectionary manufacturing trade	9,660.00	13,000.00
2.4	Garment manufacturing industry	8625.00	12,000.00
2.5	Ceramic products manufacturing trade	8,970.00	11,000.00
2.6	Baking trade	8970.00	10,070.00
2.7	Textile manufacturing trade	9660.00	10,000.00
2.8	(Including Tyre and Tube manufacturing, Tyre rebuilding) Rubber and Plastic goods manufacturing trade	9315.00	10,000.00
3	Service field		
3.1	Nursing Home trade	9,315.00	12,500.00
3.2	Cinema trade	8,850.00	12,000.00
3.3	Retail and Wholesale trade	8970.00	11,500.00
3.4	Hotel and Catering trade	9660.00	10,000.00
3.5	Printing trade	8970.00	10,000.00
3.6	Security trade	8820.00	10,000.00
3.7	Motor transport trade	8625.00	10,000.00
3.8	Janitorial Services trade	380.00 *	600.00 *

* Day's pay

Table 3.1 - Updating the minimum salaries of Wages Boards where the minimum salary is below Rs. 10,000- 2018

Serial No	Task	Num- ber of requests received	Number of requests rejected	Number of requests for which ap- proval is to be granted	Number of requests for which approval has been granted
01	Granting approval for requests made for 5 work days of a week	400	42	89	269
02	Verification of the legal validity of collective agreements	44	01	11	61
03	Making legal clarifications and legal interpretations under budgetary relief allowance of workers act no 04 of 2016	44	00	17	27
04	Making clarifications and legal interpretations under National minimum wages of workers act no 03 of 2016	04	00	00	04
05	Making clarifications and legal interpretations under wages boards ordinance	131	00	00	131
06	Making clarifications and legal interpretations under Shop and office employees (Regulations of employment and remuneration) Act	79	00	00	79

Number of translations to be made	Number of Tamil translations made
38	11

Table 3.3 - Translation of the decisions of Wages Boards in to Tamil language - 2018

Serial No	Date	Number of participants	Venue
01	08.03. 2018	03	Mahiyanganaya
02	09.03. 2018	04	Nuwaraeliya
03	17.05.2018	10	Hatton
04	25.05.2018	14	Kurunegala
05	28.05.2018	03	Beliaththa
06	08.06.2018	10	Kahawaththa
07	06.07.2018	06	Matugama
08	12.07.2018	10	Avissawella
09	20.07.2018	13	Galle

Table 3.4 - Conducting awareness programmes and progress review programmes for newly appointed Labour Officers - 2018

4. Ensuring the occupational health of the employee and the safe working environment

4.1 Ensuring occupational health

4.1.1 Introduction

In terms of the existing Factory Ordinance, it is the responsibility of the employer to make the environment of the work place in such a way to ensure the occupational health of employee. Further the right of employees to work in a safe working environment is one of their fundamental rights.

The function of the Occupational Hygiene Division is to provide the knowledge and examine the conditions of the work place to establish a working environment with physical, mental, social and spiritual welfare at the highest possible level for the benefit of employee by way of minimizing the risk for accidents and illnesses due to the weak conditions of the work place.

Under this process examinations are made applying scientific methodology whether there are issues in working place which may cause instant and long term affects in the health conditions of employees and further these health issues are measured qualitatively as well as quantitatively. In the meantime awareness is made practically regarding the measures to be taken to avoid such risks.

4.1.2 Role

4.1.2.1 Inspecting the health and safety in work places

4.1.2.2 Provide education to ensure the health and safety in work places

4.1.2.3 Provide decisions of medical boards

4.1.2.4 Giving evidences at the courts regarding the persons demanding compensations on the ground of occupational health, their illnesses and the conditions at work place

4.1.2.5 Determining the health condition of the employees who apply for their contributions of EPF due to poor health conditions

4.1.2.1 Inspecting the health and safety at work places

Health issues/accidents which are possible at a work place are identified under main five categories. They are physical damages, accidents from chemicals, accidents caused from biological reasons, accidents occur due to the structure of the work place and mental and social issues. The Division conducts several investigations to verify whether there are risks for above issues. - Supervision of the environmental conditions, biological supervision, tests for measuring noises. The Division has the technical equipment for such tests and the tests are conducted by the Division free of charge. In the meantime certain tests are conducted by private institutions on payment of relevant charges.

Sri Lanka has not yet developed the recognized standards on health and safety at work places and therefore measurements are made as per the standards applied by United State of America and International Labour Organization.

4.1.2.2 Provide education to measure the health and safety at work places

Most of the employees see the safety at work place as a responsibility of the employer. This negative attitude causes adverse effects in control of adverse conditions. Therefore it is highly essential to correct the behavior of each employee enhancing their understanding in order to minimize health issues. Under such circumstance, this Division conducts educational programmes to suit to the officers at highest management level to the employee at the lowest level.

4.1.2.3 Provide decisions of medical boards

Under this, action is taken to conduct medical boards and provide decisions of medical boards to employees, who apply for the withdrawal of contributions of EPF due to medical grounds.

4.1.2.4 Other activities

Celebrating National Occupational Hygiene and Health Week

Second week of October of every year has been declared as the National Occupational Hygiene and Health Week. Accordingly the Seminar on National Occupational Hygiene and Health was conducted with the participation of 150 representatives of various institution at Hotel Galadhari in year 2018. The guest lecture was delivered at the event by Prof. S.Q. Koh of the National University of Singapore. Further technical assistance was also provided by the Industrial Safety Division to celebrate this week at the institutional level.

4.1.3 Tasks performed by Occupational Hygiene Division - 2018

Serial No	Programme /Activity	Institutions targeted for inspection in year 2017	Number of the institutions inspected during year 2017	Institutions targeted for inspection in year 2018	Number of the institutions inspected during year 2018
01	Number of measurements on environmental aspects	110	45	150	170
02	Number of biological tests	375	1235	1000	1905
03	Number of audits on occupational health and safety	158	271	250	237
04	Number of awareness programmes	220	210	230	222
05	Medical Boards of EPF and ETF	24	24	24	24
06	National Occupational Hygiene and Health Week	01	01	01	01
07	Number of factory inspections	-	316	-	407

Table 4.1 - Progress of the implementation of action plan - 2018

4.2 Ensuring work environment free of risks

4.2.1 Introduction

Employees working in work places may be exposed to certain physical damages, or damages caused by electricity, heat, air pressure, light and noise and such situation may caused for the death of the employee. Therefore the responsibility of the Occupational Hygiene Division is to minimize the possibility of these accidents. The laws applied for the occupational safety, health and welfare of the employees serving in the factories of Sri Lanka are Factory Ordinance No 45 of 1945 and other regulations imposed in consistent with the Ordinance. It is expected to enhance domestic production and the contribution made to national economy by way of creating an efficient and well protected work force devoid of the risks at the work place.

4.2.2 Role

This duty is performed by 31 Engineers serving at 10 District Factory Inspecting Engineer's Offices established covering Sri Lanka and accordingly factory inspections are carried out by them. The risks observed by Labour Officers at their Labour Inspections are also reported to the District Factory Inspecting Engineer's Offices and safety of the employees are ensured using such information too. Basically following tasks are performed in order to ensure safety at work place

- 4.2.2.1 Registration of new factories.
- 4.2.2.2 Examination and approval of building plans
- 4.2.2.3 Factory inspections
- 4.2.2.4 Investigations on accidents and dangerous events
- 4.2.2.5 Taking legal action
- 4.2.2.6 Regulation on the inspection of high -risk machines
- 4.2.2.7 Investigating the complaints
- 4.2.2.8 Conducting awareness programmes
- 4.2.2.9 Directing employees, who face occupational accidents and illnesses to Commissioner for Workmen's Compensation and Shrama Wasana Fund
- 4.2.2.10 Other programmes
- 4.2.2.11 Performing the engineering works of Department of Labour and the Ministry

4.2.2.1 Registration of new factories

Carrying out inspections, at the commencement of new factories or applying for registration, to verify as to whether the safety standards have been followed in order to avoid risks and giving instructions to avoid weaknesses, if any, and further taking action to register the institution if necessary standards and requirements have been satisfied.

By the end of year 2018, the number of factories registered in the Division is nearly 30,050. Factories, which have newly been registered during the year, are 1,429. This Division continuously takes action to enhance the occupational safety, health and welfare of employees in the factories and to register new factories.

4.2.2.2 Examination and approval of building plans

When buildings are constructed for factories, inspections are made to verify as to whether they are in consistent with Factory Ordinance. Accordingly 123 building plans have been certified after examining them during year 2018.

4.2.2.3 Factory inspections

Action is taken to carry out inspections at the factories situated within the area and then to give instructions to avoid possible risks if such risks are found at the inspection.

Every action is taken according to the target set for inspection of factories and every officer is committed to meet this target. Accordingly 4,424 factories have been inspected during year 2018.

4.2.2.4 Investigations on accidents and dangerous events

During year 2018, 103 fatal accidents and 1,492 non-fatal accidents have been reported to the Division. Accordingly action has been taken to reveal causes for the fatal and non-fatal but serious accidents conducting investigations and to make relevant institutions aware of the measures to be taken to avoid such cases and further action has been taken to initiate legal action against institutions, which have violated the provisions of factory ordinance.

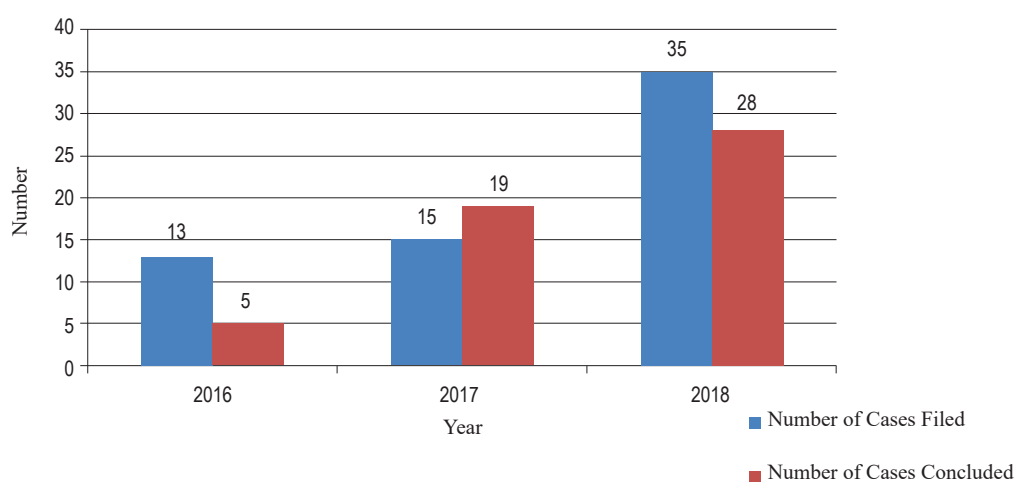
Serial No	Category of accident	Number of investigations carried out
01	Fatal	103
02	Non-Fatal	106

Table 4.2 - Investigations on accidents - 2018

4.2.2.5 Taking legal action

When it is confirmed at the factory investigations that the provisions of Factory Ordinance have been violated legal action is initiated against such institution. During year 2018 35 cases have been filed against factories for violation of Factory Ordinance.

Legal action taken under Factory Ordinance



Graph 4.1. Legal action taken under Factory Ordinance -2018

4.2.2.6 Regulation on the inspection of high -risk machines

This Division carries out activities relating to the inspection of machines used in factories, for which inspection reports are to be obtained under Factory Ordinance. Under this process 8,407 machines have been inspected during year 2018. Further this Division takes follow up actions to verify whether necessary repairs have been made as per the inspection report with a view to ensure safe work place.

4.2.2.7 Investigating the complaints

Conducting investigations on the complaints which are made regarding the occupational safety and health of employees serving in factories and providing necessary solutions are fallen under the purview of the Division. Accordingly investigations have been conducted for 135 complaints during year 2018.

4.2.2.8 Conducting awareness programmes

It is important to enhance the knowledge of employees and employers as well as the implementation of laws and rules in the enhancement of occupational safety and health. Therefore awareness programmes are conducted by this Division for the benefit of both employees and employers. Further awareness workshops are organized for the benefit of the students of Technical Colleges. Accordingly 173 workshops have been conducted during year 2018 and the number of the participants of these workshops were 14,132. In addition to the above General Public are made aware of occupational safety and health by way of distributing leaflets. Nearly 12,000 leaflets have been printed and distributed during year 2018.



Photo 4.1 –Workshop conducted on 16.11.2018 at the Auditorium of District Secretariat, Nuwaraeliya for employees in Tea Factories.



Photo 4.2 - Workshop conducted at Technical College, Kurunegala on 24.05.2018

Serial No	Relevant Division	Number of programmes conducted	Number of participants	Amount spent (Rs.)
01	Constructions	78	4690	470,000.00
02	Garments	30	2690	300,000.00
03	Other productions	37	2820	250,000.00
04	Other	9	1200	180,000.00
05	Total	154	11400	1,200,000.00

Table 4.3 - Awareness programmes - According to the field of production

Date	Number of training programmes	Number of beneficiaries	Amount spent (Rs.)
2018.03.13– 2018.11.29	19	2732	1,212,014

Table 4.4Awareness programmes - Other

Year	Number of programmes conducted	Number of officers participated	Amount spent Rs.
2018	02	75	59,700.00

Table 4.5Training programmes for officers

4.2.2.9 Directing employees, who face occupational accidents and illnesses to Commissioner for Workmen’s Compensation and Shrama Wasana Fund

In year 2018, 103 fatal accidents, 102 accidents which caused permanent disabilities and 11 occupational illnesses were referred to the Commissioner for Workmen’s Compensation and necessary actions have been taken to provide compensation to the victims and dependents accordingly.

In addition to the particulars of the children of the families of victims, who are studying, were referred to Shrama Wasana Fund for granting scholarships.

4.2.2.10Other programmes

Celebrating World Safety Day

Under the patronage of Hon. Minister, a seminar at national level has been organized by the Industrial Safety Division of the Department of Labour, to celebrate the World Safety Day on 27.04.2018. It was held at the auditorium at 10th floor of the Department of Labour with the participation of 250 employers and employees.

Celebration of National Occupational Safety and Health week

Seminar at national level to celebrate National Occupational Safety and Health week was held on 11.10.2018 under the patronage of Hon. Minister at the auditorium of Sarsiripaya, Colombo 07. Accordingly lectures and programmes were conducted on occupational safety and health for the benefit of 250 employers and employees.

4.2.2.11Performing the engineering works of Department of Labour and the Ministry

Certain engineering works of Department of Labour and the Ministry are carried out by this Division. Under this process supervision of the maintenance of vehicles of the Ministry and provision of technological evaluation reports to Procurement Committees are performed by the Division.

Activity	Amount achieved		
	Year 2016	Year 2017	Year 2108
4.3.1 Registration of new factories	1372	1464	1429
4.3.2 Examination and certification of building plans	149	151	123
4.3.3 Factory inspections	4975	4943	4424

4.3.4	Investigations on accidents and dangerous events	151	165	209
4.3.5	Taking legal action	13	15	35
4.3.6	Regulation on the inspection of high -risk machines	9007	7530	8407
4.3.7	Investigating the complaints	103	98	135
4.3.8	Conducting awareness programmes	177	189	199
4.3.9	Directing employees, who face occupational accidents and illnesses to Commissioner of Labour (Compensation) and Shrama Wasana Fund	140	151	216

4.6. Progress of Occupational Safety Division - 2018

5. Safeguarding the occupational rights of women, young persons and children and elimination of child labour

5.1 Introduction

The women's contribution of the labour force in Sri Lanka is 35% and it has become the essential responsibility of the Government of Sri Lanka to increase this share to a reasonable level comparatively to other development criteria and further to eliminate child labour. Therefore these targets have become the two main responsibilities out of the functions of Women's and Children's Affairs Division.

During the past two decades, contribution of women in the labour force has witnessed fluctuations and however the value still remains around 39.05%. Ensuring the rights of the women employees paying special attention to the role of the women in the family unit and the society has become a critical challenge in the enhancement of this share. Therefore a main responsibility of this Division is to ensure a productive contribution from women by way of making necessary recommendations for revisions in the meantime implementing and reviewing the laws by which the women are covered at her work place.

The progress proved by Sri Lanka in the elimination of child labour is highly significant. The percentage of child labourers occupied in tasks with economic values, which was at 21.35% in 1999, has shown a decline up to 2.3% by 2016. The percentage of children falls under child labour and hazardous child labour, out of child population between the ages 05-17 is only 01%. Since it is determined to eliminate child labour in 2020, the main responsibility of this Division is to implement labour laws applicable to children below 18 years of age, eliminate child labour, and recommend necessary revisions in the existing laws in relation to the present social issues obtaining contribution of all stakeholders.

5.2 Role

- 5.2.1 Giving effect to the provisions of the Acts which are applicable to employed women and children and directing district and zonallabor offices for this purpose.
- 5.2.2 Conducting awareness programmes for women and children all over the island
- 5.2.3 Making a study on the law applied to women and children, who are employed, and making recommendation for revisions in order to strengthen the law after identifying weaknesses and defects.
- 5.2.4 Ensuring proper contribution in the Child Development Committees conducted at national, provincial, district and regional levels.
- 5.2.5 Maintenance of women's hostels belong to this department, established in free trade zones for the benefit of women, who are employed
- 5.2.6 Staff development activities of Women and Children's Affairs Division.

5.3 Legal provisions, which are in force

5.3.1 Employment of Women, Young Persons and Children Act No 47 of 1956

The areas not covered in respect of women, young persons and children, who are employed, by Shop

and Office (Regulation of employment and remuneration) Act No 19 of 1954 are covered by this Act. Minimum age for engaging a person in service, general conditions for employment, employing women in night shifts, engaging young persons in dangerous jobs and major exceptions are included in the Act as main areas covered.

5.3.2 Maternity Benefits Ordinance

This Act covers areas in respect of the service conditions applied during the pregnancy and breastfeeding period. This Ordinance provides the entitlement to the leave of 84 days with full pay at every live birth, nursing intervals until the child reaches the age of 01 year and leave at a still birth and occupational safety.

In addition to the above mentioned two Acts, provisions have been made in respect of women and children, who are employed, in Employment of females in mines Act No 13 of 1973 and Factory Ordinance No 45 of 1942.

5.4 Performance of tasks - 2018

The role performed to ensure the occupational safety of women, young persons and children, who are employed, can be shown under main three categories.

5.4.1 Implementation of the laws applied for women, young persons and children , who are employed

5.4.2 Maintaining and promoting the laws applied to ensure the occupational safety of women, young persons and children , who are employed, and avoiding the violation of such laws and conducting educational and awareness programmes

5.4.3 Making necessary amendments reviewing the existing legal system

5.4.1 Implementation of laws applied for women, young persons and children , who are employed.

5.4.1.1 Timely inspections

Inspections are carried out to verify whether the environment has been ensured in work places for women employed in the work place to enjoy the service conditions ensured by labour law. Under this it is examined whether the women in employment are paid maternity benefits and granted proper maternity leave during the period of pregnancy, whether they are provided with prescribed facilities, and whether young persons are not employed in dangerous employments and minor are employed. Further instructions are provided for necessary rectifications and recommendations are made to take legal action for violation of laws, which are revealed at such inspections.

5.4.1.2 Conducting investigations

Under this, action is taken to carry out investigations on the complaints made to Department of Labour on child labour, employment of children in dangerous employment and employment of women and to report as necessary to President's Secretariat, National Child Protection Authority and other institutions. In addition to the above, action is taken to conduct sudden inspections and commence legal action on violation of laws.

Serial No	Category	Number	Observations
01	Daily inspections	824	Instructions were given to rectify the weaknesses revealed at the inspections conducted by Women and Children's Affairs Division and legal action has been initiated at such occasions, where instructions are not followed.
02	Investigations on the cases of child labour	127	Investigations were concluded in respect of 13 complaints made during year 2016, 40 complaints made in 2017 and 76 complaints made in 2018. Legal action was taken in respect of 3 cases, where the facts on child labour were confirmed. Number of court cases concluded is 01
03	Inquiries on complaints made by women regarding service conditions	25	Actions were concluded regarding 09 complaints on maternity issues and 16 other complaints.
04	Granting approval for employment of women in night shifts.	579	The minimum facilities to be given to women, when they are engaged in night shifts, are ensured by this approval.
05	Special group investigations on the cases of child labour and employment of children in dangerous works.	100	Inspections were made at 472 institutions. According to these inspections it was revealed that young persons are not employment in dangerous works at relevant institutions.
06	Special group investigations on women employees.	71	Number of the women employees covered is 5943. Cases covered regarding violation of laws is 57 (Legal action was taken for such cases)

Table 5.1 - Implementation of the laws imposed in respect of women and youths at work - 2018

Serial No	Law violated	Number of violations reported	Number of legal action taken	Cases ,which are in process in courts	Number of cases concluded
01	Employment of women, young persons and children Act	10	05	03	02
02	Maternity Benefits Ordinance	00	00	00	00

Table 5.2 - Legal actions - 2018

5.4.2 Ensuring that the laws applied for women, young persons and children, who are employed, are implemented properly, promotion of such laws and avoiding violations of laws and conducting educational and awareness programmes.

5.4.2.1 Conducting educational and awareness programmes

5.4.2.1.1 Conducting awareness programmes for employees, employers and other relevant parties

5.4.2.1.2 Making the awareness by way of celebrating declared days

- **International Women's Day**

The award 'Ran Diri Liya' was awarded to 105 women engaged in the plantation sector evaluating their contribution in the field on the International Women's Day- 2018.

- **International Workers' Day**

Five Awareness programmes were conducted for the benefit of weak groups, which were identified. Accordingly they were made aware of the importance of continuous education and the limits applied for employing children in works.

The research conducted by Warwick University of United Kingdom on 'Female employees and night shifts' was submitted to the Department and it was decided to submit the findings of the research to National Labour Advisory Council.

- **International Day Against Child Labour**

The recognition received as a pilot country in the elimination of child labour under 8.7. of the programme of Decent Work and the 2030 Agenda for Sustainable Development is an excellent victory for Sri Lanka. This is a recognition made in consideration with the productive and progressive measures taken by Sri Lanka for elimination of child labour. As a result of this achievement, a delegation including the Deputy Minister of Labour in South Africa visited Rathnapura and discussed with relevant officers, who launched programme for elimination child labour in October 2018.



Photo5.1- Meeting of Commissioner General of Labour with Deputy Minister of Labour , South Africa

Television programmes on elimination of child labour were conducted with the collaboration of International Labour Organization to celebrate International Day against child labour.

- **International Children's Day**

Actions are taken under this celebration considering promotion and prevention are the main objectives of the process.

5.4.2.1.3. Conducting programmes for the awareness and education of persons, who may be subjected to harassments and other relevant parties

5.4.2.1.4 A workshop was conducted to reveal information on present sexual harassments at workplaces and the current situations.

5.4.2.2 Making necessary revisions reviewing the existing legal system.(They are shown in special activities 2018.)

5.4.2.3 Relief services

Two women's hostels are maintained at the free trade zones at Katunayaka and Koggala and women employees enjoy their facilities on concessionary rates.

5.4.2.4 Providing assistance to the programmes launched by other Departments for the occupational safety of women, young persons and children.

5.4.2.4.1 Making contribution for the implementation of the national plan of action to avoid sexual and gender-based violence.

5.4.2.4.2 Making contribution for the implementation of the national plan of action on fundamental rights

5.4.2.4.3 Making contribution for implementation national plan of action for children

5.4.2.4.4 Making contribution for implementation national plan of action against human trafficking

5.4.3 Making necessary revisions reviewing existing legal system

- Included in special activities

5.5 Implementing the action plan - 2018

Serial No	Programme/activity	Targets for year 2018		Progress from 01.01.2018 up to 31.12. 2018	
		Physical progress	Financial progress	Physical progress	Financial progress
1	International Women's Day	1	500,000	1	216,992
2	International Children's Day	1	400,000	1	511,488
3	Programmes conducted to enhance the awareness of women in plantation sector	3	114,150	3	86,445
4	Inservice programmes for the awareness of women employees	5	35,000	5	18,820
5	Conducting counselling programmes	4	101,800	4	77,200
6	Conducting anti drug programmes	4	24,000	4	14,850
7	Conducting night inspections	64	270,400	71	246,500
8	*Counseling workshop conducted at women's hostel, Koggala	1	42,600	1	42,600
9	*Awareness programme conducted to enhance awareness of parents on the issues faced by school children of Wellawaththa area and prevention measures	1	96,600	1	93,600

Table 5.3 - Progress in the implementation of action plan - 2018

* A counseling programme has been conducted at the women's hostel at Koggala spending Rs.42,600 out of the balance of allocations made for International Women's Day and International Children's Day. In the meantime an awareness programme was conducted to enhance awareness of parents on the issues faced by school children of Wellawaththa area and prevention measures utilizing Rs. 93,600.

5.6 Implementation of Decent Work programme

Serial No	Programme/activity	Targets for year 2018		Progress from 01.01.2018 up to 31.12.2018	
		Physical progress	Financial progress	Physical progress	Financial progress
1	World Day Against Child Labour	1	675,000	1	532,323
2	Tour of Deputy Minister of Labour in South Africa and the delegation to Sri Lanka	1	223,800	1	206,950
3	Workshop for reviewing the current situation on sexual and gender- based violence on women at work places	1	These programmes were conducted with the utilization of allocations from the balance of allocations made for the tour of Deputy Minister of Labour in South Africa and the delegation to Sri Lanka and World Day Against Child Labour	1	31,200
4	Launching publicity campaigns to enhance the awareness of the General Public on laws applied for the employment of women and young persons	1		1	208,995

Table 5.4 - Progress in the implementation of 'Decent Work' programme - 2018

* Financial requirements for the publicity campaign to enhance the awareness of the General Public on laws applied for the employment of women and young persons was covered from the above vote.

6. Social Security of the Employee

6.1 Introduction

Employee's Provident Fund has been established by the Employee's Provident Fund Act No 15 of 1958 with a view to ensure a life with sound economic background to the employees in private and semi government sectors of Sri Lanka after their retirement. This fund is managed by the Department of Labour and the Monetary Board of the Central Bank of Sri Lanka bears the responsibility of the contributions. The total value of the fund is Rs. 2,294 billion and the total number of active and inactive accounts are 18.5 million. The role performed at present under this Act, which has been amended from time to time, is as follows. It is the responsibility of the Employee's Provident Fund Division of the Department to perform these tasks.

6.2 Role

- 6.2.1 Registering institutions under Employee's Provident Fund
- 6.2.2 Registering members under Employee's Provident Fund
- 6.2.3 Recovery of contributions from employers, who do not pay them
- 6.2.4 Issuing pay orders for the payment of benefits to members
- 6.2.5 Supervision of approved provident funds

6.2.1 Registration of institutions under Employees' Provident Fund

All private and semi government institutions covered under Employees' Provident Fund Act should be registered under the fund. Employer has been provided facilities to get his registration at the Labour Office situated within the area. Targets are determined annually for each officer for the registration of institutions and Labour Officers register the institutions established newly within his/her area. Accordingly the number of the institutions registered during year 2018 is 9,267. Number of institutions, which remitted contributions to the fund during 2018, is 78,977.

6.2.2 Registration of members in the Employees' Provident Fund

The following employees are covered by the employees' provident fund.

- Permanent, apprentice, temporary, or casual employees,
- Employees work on monthly, bi-monthly, daily pay
- Foreign employees engaged in employment within the country
- Employees of the institutions, which have more than 10 employees and institutions maintained for charity and social works
- Employees serving in posts in labour grades up to management grades

Employees of an institution shall become members of Employees' Provident Fund after issuing registration numbers. Registration is made under the Department of Labour and it is the responsibility of the Central Bank of Sri Lanka to maintain accounts with contributions on behalf of the employees. Accordingly registration and the activation of accounts can be made sending correct particulars to these two institutions. The number of employees registered in the Department during year 2018 is 648,054 and at present 2.55 millions of active accounts of members are maintained in Central Bank of Sri Lanka.

	Number of registrations made in 2016	Number of registrations made in 2017	Number of registrations made in 2018	Growth in the registration as a percentage	
				2016 - 17	2017 - 18
Registration of institutions	6507	7,718	9267	1.1%	1.2%
Registration of members	620,806	454,971	648,054	-0.73 %	1.4%

Table 6.1 - Registration for remitting of contributions – 2018

6.2.3 Recovery of contributions for employers, who do not pay contributions

Central Bank of Sri Lanka could retain the percentage of annual interest at a value of more than 10% during previous years. The value for year 2018 of the same is 9.5%. This interest is added continuously to the balance of the member as the compound interest. Since an amount equivalent to 12% from the total earnings of the month of employee is remitted to Employees' Provident Fund by the employer along with another 8% from the salary of the employee, nearly 1/5 of the total earnings of an employee is retained for the safety of the life after retirement of employee.

An employer should remit the contribution relevant to a certain month for employees covered by the Act on or before the last day of the coming month at Central Bank of Sri Lanka.

Accordingly the contribution remitted to the fund during year 2018 is Rs. 145,111 million and the interest of 9.5% is added to the balance of the member calculating it on compound interest rate.

In the process of making contributions to the fund, the cheques and documents can be sent by hand or by post, or can be paid through state and commercial banks as well as through the electronic method. Therefore employers have the opportunity of selecting most convenient and secured method.

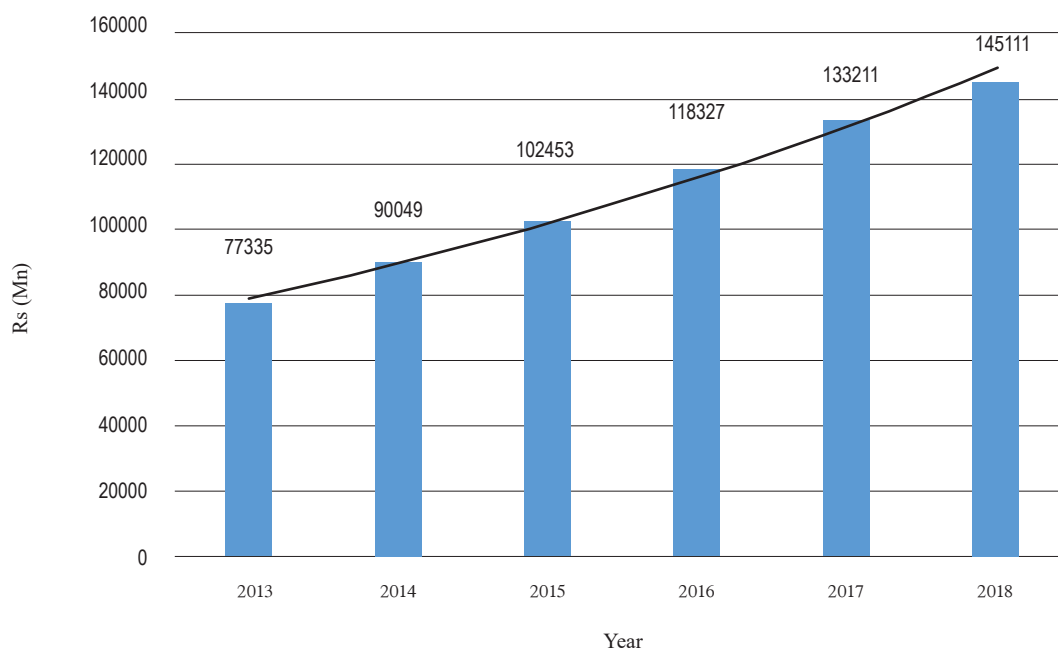
First notices and red notices are issued to the employers, who do not pay contributions properly and then contributions and surcharges are recovered and accounted taking legal action if the employer fails to respond for the notices. The recoveries made during year 2018 by way of issuing notices and taking legal actions are given in table 6.2.

Serial No		Number of notifications	Amount recovered (Rs. m)
01	First notice	14,903	4,999
02	Red notice	8,924	3,794
03	Legal procedure	2831 (Number of cases)	1,709

Table 6.2 - Notifications made to the employers, who do not pay contributions properly – 2018

The contributions recovered through prosecutions are credited to the account of the Commissioner of Labour and then credited to the accounts of respective members after submitting correct information. Accordingly Rs. 8,436 million has been credited to the account of the Commissioner of Labour and the amount settled is Rs. 8,910.

A scheme has been introduced for employers, who submit acceptable reasons for their failure, to settle the arrears up to 36 installments with a view to encourage employers to make relevant contributions. The number of installment plans approved during the year is 3604 and Rs.778 million out of the above has been credited to the fund. The contributions, which are credited by installment plans and legal action, are credited proportionately to the individual accounts of members.



Graph6.1 - Progress in the recovery of contributions

6.2.4 Issuing pay orders to refund contributions to members

Three instances, where contributions are refunded to members, have been introduced by the act and the relevant requirements, which should be satisfied for the purpose, have been mentioned by regulations.

- 6.2.4.1 Payment of benefits to nominees/parties who make claims, on behalf of the demised member
- 6.2.4.2 Payment of pre-retirement benefits of 30% to the active members of Employees' Provident fund
- 6.2.4.3 Refunding the total benefits on termination of the membership of Employees' Provident fund.

6.2.4.1 Payment of benefits to nominees/parties who make claims, on behalf of the demised member

At such occasions, where the member demises either before obtaining the benefits or whilst in service, the benefits are released to the person/ persons nominated by the employee. In case where valid nomination has not been made, benefits are released identifying the persons who make claims on behalf of the member. Facilities have been made at the Head Office of the Department of Labour and 10 Zonal Labour Offices to obtain these services. The benefits released during the year for the demised members are given table 6.3.

6.2.4.2 Payment of pre-retirement benefits of 30% to the active members of employees' provident fund

Members, who satisfy the following requirements, can obtain these benefits on housing purposes and health issues.

- Should have paid contributions to Employees' Provident Fund for not less than 10 years
- Should be in the service at the time
- Should have a balance of not less than Rs. 3,00,000 in the individual account of the employee

The amount of benefits released during the year is given in table 6.3. Facilities have been made at the Head Office of the Department of Labour and 10 Zonal Labour Offices to obtain these services.

6.2.4.3 Refunding the total benefits on the termination of the membership of employees' provident fund.

A member of the Employees' Provident Fund is entitled to take back the amount credited to his account on termination of the membership due to following grounds.

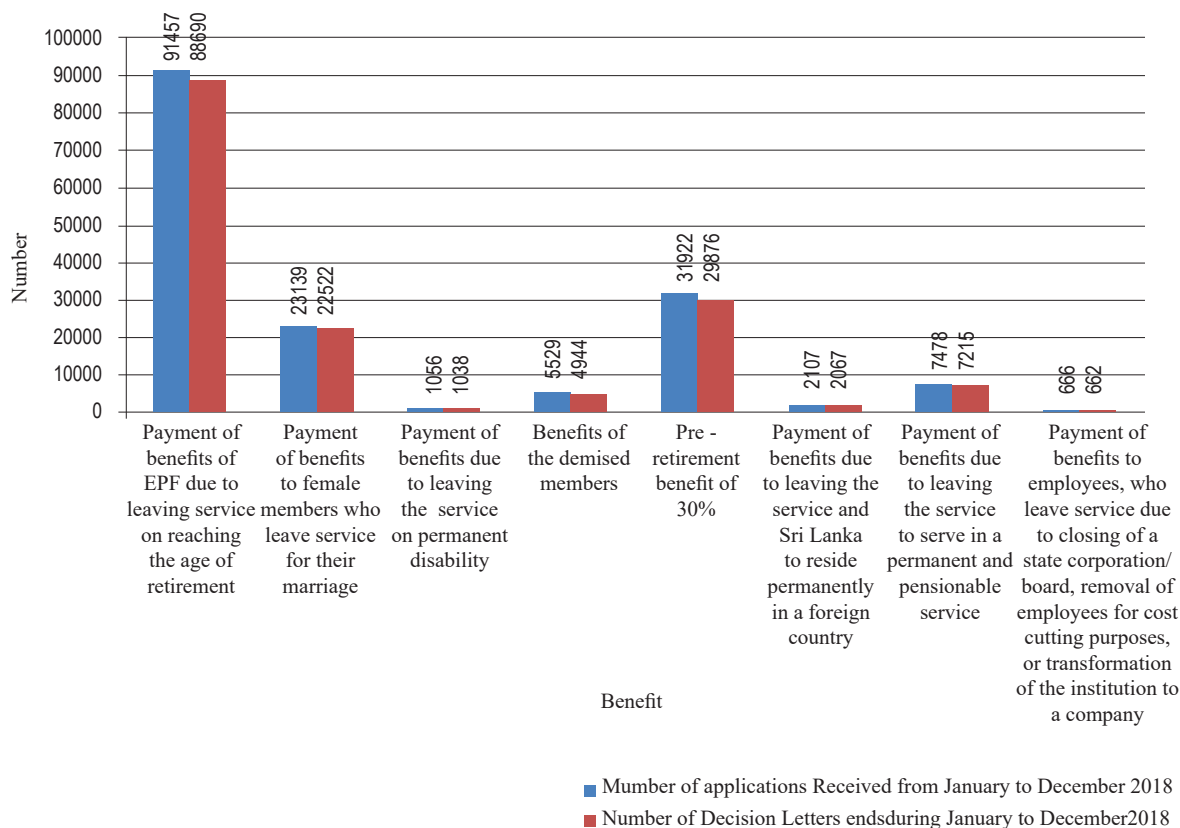
- Leaving the service on completion of the age of retirement
- Leaving the service to enter in a marriage (Only for female employees)
- Resignation from service due to permanent disability
- Leaving the service and Sri Lanka to reside permanently in a foreign country
- Leaving the service to serve in a permanent and pensionable service
- Leaving the service due to situations such as transformation of business institutions to State Corporations, or transformation of state corporations or business institution belonging to the government to Public Limited Company or reduction of cadre, or termination of service due to dissolving a certain state corporation or closing down of the business institutions by a certain corporation.

Facilities have been made at the Head Office of the Department of Labour, 35 District Labour Offices and 12 Sub Labour Offices all over the Island to obtain these services.

Payment of benefits

	Benefit	Number of the beneficiaries		
		Year 2016	Year 2017	Year 2018
6.2.4.1	Benefits of the demised members	4496	4738	4944
6.2.4.2	Pre- retirement benefit of 30%	69482	69482	29876
6.2.4.3	Payment of benefits of EPF due to leaving service on reaching the age of retirement	87541	87268	88690
	Payment of benefits to female members who leave service for their marriage	22708	22426	22522
	Payment of benefits due to leaving the service on permanent disability	978	1048	1038
	Payment of benefits due to leaving the service and Sri Lanka to reside permanently in a foreign country	1755	1959	2067
	Payment of benefits due to leaving the service to serve in a permanent and pensionable service	10133	13488	7215
	Payment of benefits to employees, who leave service due to closing of a state corporation/ board, removal of employees for cost cutting purposes, or transformation of the institution to a company	108	2785	662
	Total number of the beneficiaries	197,201	203,194	157,014
	Amount of benefits , which has been released (Rs. Million)	108,393	117,477	106,399

Table 6.3 - Number of the beneficiaries, who obtained benefits of Employees' Provident Fund – 2016 to 2018



Graph6.2 - Receipt of refund applications and submission of determination letters to the Central Bank of Sri Lanka - 2018

6.2.5 Supervision on approved Provident funds (P.P.F.)

123 institutions, and 134,456 members have been registered under approved provident fund. Supervision is carried out on the functions of those funds including crediting contributions to the funds, paying benefits and further the institutions, which do not follow proper measures, are taken over by Employees' Provident Fund taking legal actions.

Number of complaints received	70
Number of complaints settled and concluded	31
Number of reports on P.P.Fs supervised by field officers	170
Number of the institutions ,which were supervised	84

Table 6 .4 - Progress of the supervision on approved provident funds - 2018

6.3 Promotion of the fund

Following measures are taken with a view to enhance the life condition of members whilst enhancing the administration of the fund;

6.3.1 Granting housing loans based on the balance of the account at Employees' Provident Fund

6.3.2 Implementation of projects for the promotion of Employees' Provident Fund

6.3.3 Organizing training workshops in order to ensure quality service delivery

6.3.1 Granting housing loans based on the balance of the account at Employees' Provident Fund With a view to enhance the life conditions of the members, facilities have been made for members of the fund to obtain a housing loan up to the maximum of 75% of the balance of account by way of keeping the account as the security of the loan. Accordingly approval has been granted for 9,827 requests made for housing loans. The amount approved for the purpose is Rs. 4.68 billion.

6.3.2 Implementation of projects for the promotion of Employees' Provident Fund

Various projects were launched with a view to enhance the awareness of both employers and employees on Employees' Provident Fund. Accordingly an advertisement has been telecasted by television and broadcasted by radio in 2018 in Sinhala and Tamil languages. Further mobile services were conducted covering all provinces of the island. Particulars in this regard are in table 6.5. Services were provided to employers and employees in identified estates in kandy and Matale district conducting mobile services.

6.3.3 Organizing training workshops for the staff to ensure a qualitative service

Period of training	Number of programme	Number of beneficiaries
2018.03.04 - 2018.12.08	Mobile services 18	1640
2018.03.08 - 2018.08.18	Training programmes 16	1945

Table 6.5 - Mobile programmes conducted for the awareness of the people on Employees' Provident Fund and training programmes conducted for the awareness of officers

Mobile programmes have been conducted by the Ministry of National Co-existence, Dialogue and Official Languages and training programmes have been conducted as a joint effort of the Central Bank of Sri Lanka and the Department of Labour.

6.4 Other

6.4.1 Members have been provided facilities to save their time and money in getting their needs satisfied by way of decentralizing the service, which has been established to rectify the anomalies of the particulars of members.

6.4.2 It has become possible to enhance the efficiency by way of increasing the access facilities to Monitoring system and Oracle data system and widening network facilities. Further it has resulted in decreasing the number of employees, who visit the Head Office.

7. Legal protection to ensure occupational rights of employees

7.1 Introduction

The Department of Labour implements number of acts in order to protect occupational rights of employees. Rights of employees are violated since the employers do not follow properly the labour laws when engaging employees in service. Even though basic legal measures were taken to ensure statutory rights of employees, action is taken by the Department to guarantee the justice to employees by way of making submissions before Courts with a view to give effect to the rights and avoid violation of rights of employees.

The responsibility to follow this legal action is born by the Legal Enforcement Division of the Department and powers to enforce the provisions of Employees' Provident Fund have been vested in District Assistant Commissioners of Labour. In the meantime powers to enforce the provisions of Gratuity Act have been vested in Deputy Zonal Commissioners of Labour. The implementation of these provisions is supervised by the Legal Officers attached to each zonal office. (By 2018 Legal Officers have been attached only at 5 zones.)

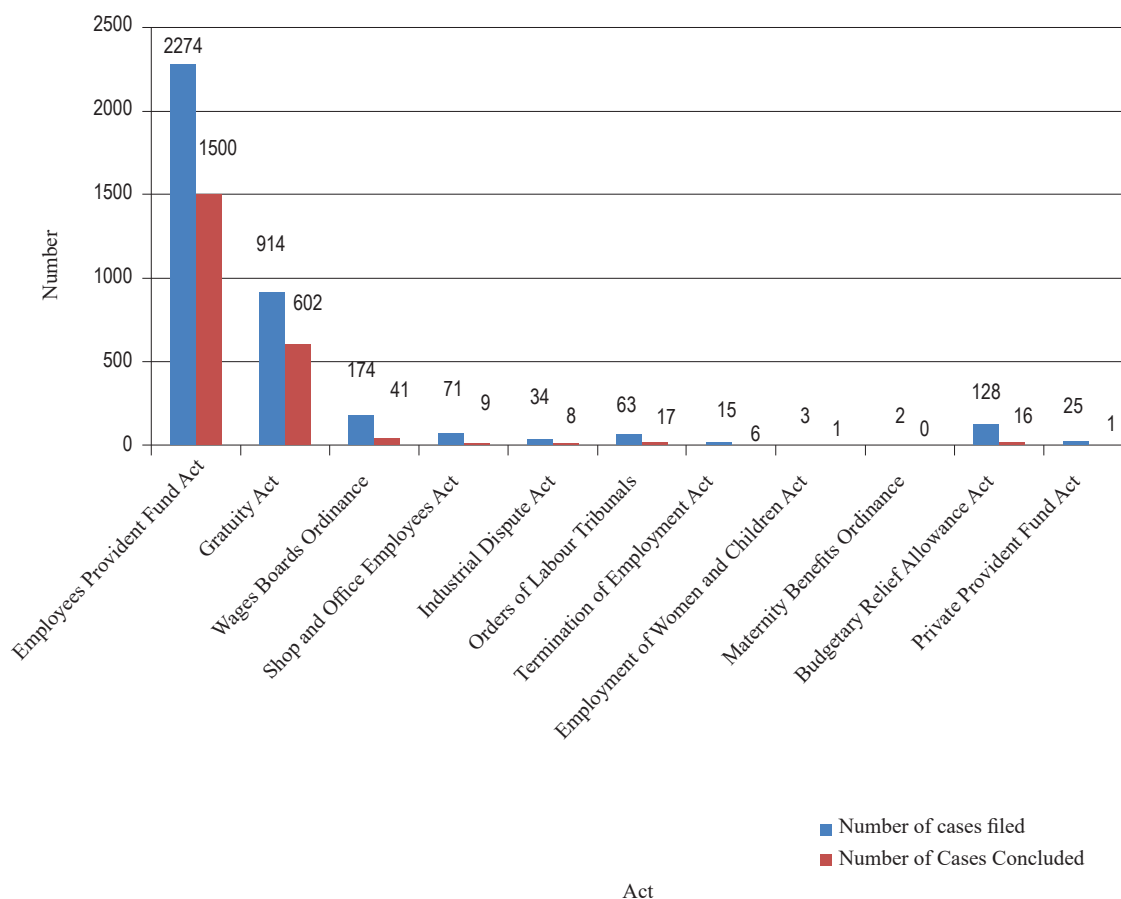
7.2 Role

- 7.2.1 To perform tasks pertaining to file cases on the basis of statutory violations at Magistrate Court and carry out prosecution
- 7.2.2 To maintain coordination with the Department of Attorney General in order to take necessary actions regarding the cases filed against the Department and the cases filed by the Department of Labour at Commercial Court, Provincial High Court, High Court, Court of Appeal or Supreme Court.
- 7.2.3 To supervise the actions taken by District and Sub Labour Offices under the supervision of zonal offices regarding the legal procedures at Courts and provide instructions where necessary and further monitoring the progress of the processes;

Since a large number of cases were pending at district offices as inactive cases during the past years, no justice has been made to some employees. This situation was observed in year 2018 and necessary instructions were given by the Legal Division to settle them.

However the cases, which remained further as inactive cases even after taking every possible step by District Offices, were brought under the Legal Division and then action has been commenced in year 2018 to take necessary steps studying the matters in each case file.

- 7.2.4 Providing instructions to District/ Sub Labour Offices where it is necessary to follow legal actions and to activate inactive cases. Further Legal Officers attached to Zonal Offices serves as prosecuting officers on behalf of the Department of Labour where ever necessary.



Graph7.1 - Cases filed by all District Offices and the cases concluded - 2018

Court	Cases brought forward to 2018	Cases commenced during 2018	Cases concluded during 2018
Supreme Court	181	24	0
Court of Appeal	336	47	0
High Court	173	50	49
District Court and Commercial High Court	210	17	11

Table 7.1 - Performance of cases as per Courts - 2018

Number of cases which was pending as at 01.01. 2018	Cases being heard	Number of cases for which written submissions were prepared	Cases at Magistrate Court sent for instructions
54	160	92	179

Table 7.2 - Cases at Magistrate courts - 2018

8. Administration

8.1 Introduction

Internal Administrations division of any institution means the main division, which deliver services to the internal customers. The optimum service of an institution, which is established for the delivery of services to external parties, depends on the satisfaction of the internal recipients. Therefore the mission of the internal administration division directly affects for the efficiency of the Department.

Establishment activities such as fulfilling the requirement of human resource, confirmation of the employees in service, evaluation of performance, granting salary increments, conducting efficiency bar examinations on due time, implementation of transfer procedure, preparation of the pension without delay et. and routine duties such as approving leave, taking disciplinary action, fulfilling the transport requirements of the Department and further organization of the ceremonies and programmes of the Department and joining with the programmes organized by other Department and Ministries are performed mainly by the Administration Division.

In addition to the above the library established for the benefit of the officers of the Department is also maintained under the Administration Division.

8.2 Role

8.2.1 Administrative functions

Maintenance of the staff of the Department at the optimum level makes the performance of the duties of the Department more productive and efficient. Accordingly the tasks performed for the purpose are as follows.

- Recruitment of 44 office employees to the Department
- Calling performance reports of 588 officers in staff grade (1A,1B,2,3,17).
- Granting uniform allowance to relevant employees (Watchers, Drivers, Office employees)
- Granting 1557 annual salary increments.
- Preparation of 52 pension files and pensions of the officers to be sent on retirement due to abolition of man power division.
- Calling for 551 declarations of assets and liabilities
- Sending reports to Human Rights Commission, Public Petition Committee.
- Conducting efficiency bar examinations for the posts of Assistant Commissioners of Labour, Engineers, Legal Officers, Labour Officers, Human Resource Development Officers, Research Officers, Electricians, Stenographers, Drivers and Office Employees.
- Conversion of salaries of 2669 officers as per Public Administration Circular No 03/2016
- Calling for 281 mid year performance evaluation reports (Annual)
- Calling for leave particulars of all offices
- Referring new posts to Department of Management Services relevant to restructuring in connection with the implementation of recommendations of the report of the restructuring of the Department and then submitting it to the National Salaries and Cadre Commission.
- Implementing 186 internal annual transfers
- Activities relating to the disciplinary control of officers
- Taking action to confirm 50 officers in service, who have completed their probation period
- All the activities relating for the approval of foreign, maternity leave and other special leave.

8.2.2 Constructions

District Labour Offices have been established in every district of the island with a view to ensure more efficient service to the labour force scattered all over the country. Construction of these offices with modern facilities will pave way to provide services to the satisfaction of the recipients and further it will motivate officers in the Department as a result of creating more convenient environment.

Accordingly two new district offices have been constructed and opened in year 2018. The district office at Polonnaruwa was constructed at Kaduruwela as a three storied building and it was opened on 30th March 2018. District Labour Office consists of two stories, which was constructed at Sewa Mavatha, Kurunegala Road, Puttalam, was opened on 06th September 2018.

In addition to the above, foundation stone was laid on 30th September 2018 to construct a new building in Hatton area where a large number of estate workers live, since the District Labour Office maintained at Hatton, is still maintained in a very old building, which was established at the establishment of the Department. As the district labour office at Naula is functioning in a rented building without sufficient office space, arrangements were made to construct a new office building for the labour office in a reachable place at Dambulla.



Photo 8.1 H.E. the President opening District Labour Office building, Polonnaruwa on 30.03.2018

8.2.3 Organization of special programmes

8.2.3.1 V2025 Enterprise Sri Lanka exhibition

Arrangements have been made to display the role of the Department of Labour at the V2025 Enterprise Sri Lanka exhibition held at Monaragala on 17, 18, and 19 August 2018 on the concept of the Ministry of Finance. In addition to the above, opportunity has been given to the employees to check their balance of Employees' Provident Fund at the stall of the Department and assistance of Labour Officers was provided to make remedial measure for their issues. Necessary instructions about industrial safety were given to the entrepreneurs who have already started industries as well as who wish to start industries.

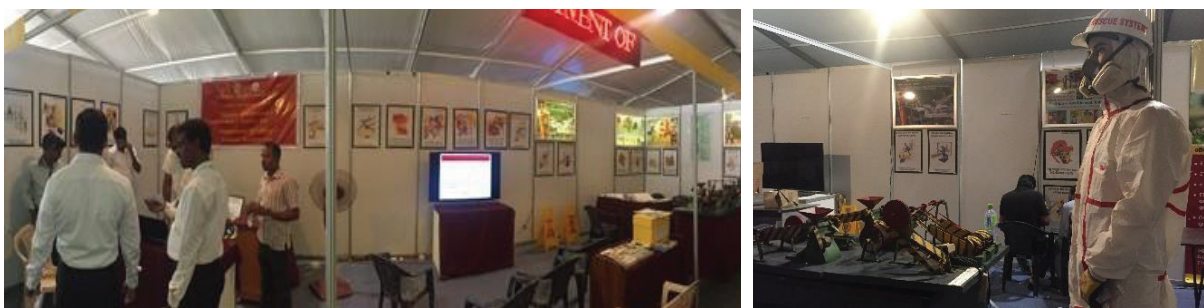


Photo 8.2 - Several photographs of the exhibition stall of the Department of Labour

8.2.3.2 Mobile service programme - Badulla

With a view to give opportunity to the employees living in Badulla district, where there is a large number of estate workers, a mobile service has been organized on 22nd and 23rd September 2018 at Badulla Central College, to get their needs satisfied from government institutions at one and the same place. At this mobile service the Department of Labour has provided following services for the benefit of the people.

- Settling issues relating to the names and numbers of the membership in Employees' Provident Fund and numbers of national identity cards.
- Registration of new institutions and new employers.
- Providing instructions to get the registration of Employees' Provident Fund and information on EPF.
- Giving opportunity to employees to verify their balance of Employees' Provident Fund.
- Registration for finger prints at Employees' Provident Fund.
- Giving instructions in respect of industrial disputes, trade unions and issues raised on collective agreements.
- Accepting and examining complaints on the employment of women and children
- Registration of new industries.
- Conducting awareness programmes in relation to industrial safety, providing necessary instructions and settling issues.



Photo 8.3 Registration of recipients

8.2.4 Library and information service

A library is maintained by the Department of Labour in order to collect information related to the subject so as to suit to the identified requirements relevant to the progress of employers and employees, make avenues to extend such knowledge and to spread the knowledge on the field of labour among the staff of the Department and general public. Accordingly, action has been taken during the year under review to purchase 173 books and magazines for the use of readers.

8.2.5 Labour museum

The Department of Labour maintains a labour museum and the evolution of the field of labour in Sri Lanka from the commencement is displayed at the museum. In the meantime action is taken to conserve the documents connected to the field of labour and other relevant acts and ordinances.



Photo 8.4 Labour Museum

9. Financial management

9.1 Introduction

Physical as well as financial resources are required to perform the activities of the Department of Labour successfully and to achieve expected results. Accordingly Finance Division of the Department takes action to control financial resources allocated to the Department by annual budget in an efficient, productive, and economic way.

9.2 Role

With a view to ensure the transparency and efficiency of the financial control of the Department of Labour, Finance Division functions in the following manner.

- Preparation and implementation of the procurement plan of the Department of Labour.
- Distribution properly the items and service purchased under procurement procedure.
- Issuance of imprest to district and sub labour offices and supervision of the financial activities of such offices.
- Preparation of annual, bi annual and monthly accounts reports and submission of these reports to relevant parties.
- Handling all receipts from external parties and payments as per laws and rules.
- Survey of capital assets belonging to the Department and their disposal activities
- Payment of wages, emoluments, loans and advances of the officers of the Department.

99.78% and 82.03% from allocations made by annual budget in 2018 for recurrent expenditure and capital expenditure have been utilized respectively for relevant activities in efficient manner.

Recurrent expenditure	Allocation (Rs.)	1,619,100,000
	Expenditure (Rs.)	1,614,473,945
Capital expenditure	Allocation (Rs.)	2,211,000,000
	Expenditure (Rs.)	1,813,415,443

Table 9.1 - Overall financial progress of the Department in year 2018

Type of the expenditure	Budgetary allocations 2018	Actual expenditure 2018	Actual expenditure as a percentage of allocations
Enhancement and rehabilitation of capital assets	58,400,000	47,610,510	81.5%
Acquisition of capital assets	2,133,950,000	1,748,948,052	82.0%
Total	2,192,350,000	1,796,558,562	81.9%

Table 9.2 - Categorization of the capital expenditure in year 2018

Type of expenditure	Budgetary allocations 2018	Actual expenditure 2018	Actual expenditure as a percentage of allocations
Personal emolument	1,241,445,000	1,240,122,699	99.9%
Travelling expenses	73,687,000	73,644,659	99.9%
Supplies	64,431,000	63,494,140	98.5%

Maintenance services	18,280,000	18,099,327	99.0%
Construction services	1,298,000	1,274,023	98.2%
Other services	195,181,000	193,095,984	98.9%
Transfers	24,766,790	24,731,910	99.9%
Other	11,210	11,202	99.9%
Total	1,619,100,000	1,614,473,945	99.7%

Table 9.3 - Categorization of the recurrent expenditure in year 2018

10 Affairs on Statistics

10.1 Introduction

It is highly important to collect and analyze the data in relation to the field of labour for the purposes such as having an understanding on the trends of the field of labour in Sri Lanka, taking policy decisions, identifying the requirement to amend existing labour rules and laws and making forecasts in the field. The Statistics Division of the Department has been organized for these activities.

10.2 Role

Accordingly Statistics Division performs following tasks.

- 10.2.1 Conducting annual survey on employment opportunities and sample test for wages boards based on the institutions which make contributions to Employees' Provident Fund.
- 10.2.2 Preparation of monthly minimum indicators of the field of labour and launching the Labour Statistics publication annually.
- 10.2.3 Provision of statistics on labour required by the Department of Labour, the Department of Census and Statistics and other Departments and the Central Bank of Sri Lanka.
- 10.2.4 Provision of data and information to the institutions including International Labour Organization and other institutions and individuals seeking such data.
- 10.2.5 Ensuring technological assistance in the analysis of data and making data tables for various requirements of the Department of Labour and the Ministry of Labour and Trade Union Relations.

In addition to the above activities, following tasks are also performed by the Division

- Providing technological instructions in the analysis of data and making data tables for various requirements of the Department of Labour and the Ministry of Labour and Trade Union Relations.
- Provision of data and information for the magazine 'Sri Lanka Labour Gazette' published annually by the Ministry of Labour and Trade Union Relations.
- Identifying the divisions belonging to Labour Offices in the island as per administrative units of island and introducing standard codes.
- Collecting information for the surveys, conducted by the division, according to the classification of the industries of Sri Lanka as per international classification (SLSIC-Rev4) and classification of employment (SLSCO-11) and introducing relevant codes

Programme / activity		Duties performed during year 2018
1.	Annual survey on employments 2017	Publishing in the website and as a printed material
2.	Annual survey on employment 2018	Preparation of final report analyzing data of the survey in 2018
3.	Publishing 'Labour Statistics 2017'	Publish in the website and as a printed material
4.	Quarterly publication 'Sri Lanka Labour Gazette - 2018'	Provision of data for publication collecting them from other institutions
5.	Survey on average earnings and number of hours worked in 2017	Publishing final report by website and as a printed material

6.	Survey on average earnings and number of hours worked in 2018	Concluding survey in March and September 2017
7.	Calculation of the indicators of Minimum Salary Ratios	Calculation of indicators of Minimum Salary Ratios for the relevant period and submitting them to the Central Bank of Sri Lanka
8.	Computerizing the new registrations of Employees' Provident Fund	A database has been prepared for this purpose and action is taken to feed and update the data

Table 10.1- Tasks performed

11 Directing the functions of the Department towards the targets by supervision and development of human resources

11.1 Introduction

The role in planning and reviewing the progress of Planning, Research, Training and Publication Division is to prepare the action plan and strategic plan of the Department, prepare monthly progress reports for progress review meetings, and provide data and reports requested by the line Ministry and other Ministries. Under this the Division supervises the tasks of Divisions of the Department and District Offices and makes recommendations, which are required to maintain the progress by way of analysing data collected by the supervision. .

The tasks such as providing the training required by the whole staff of the Department, directing officers to the training courses conducted by external institutions, granting financial provisions for the degrees and post graduate degrees offered by Universities and ensuring the coordination required for overseas training are performed by the Division as its role in development of human resource.

11.2 Directing the tasks of the Department towards the targets by supervision

Enhancement of the performance of the Department by the supervision of district and sub labour offices to achieve the objectives of the Department of Labour, focusing on the targets is vital to increase the contribution of the Department for the national development. In order to achieve above objectives, the method applied in the supervision of district and sub labour offices, has been streamlined and implemented as formal programme in 2018. Accordingly attention was paid on the following matters.

- Enhancement of the effectiveness of the process of inspection of institutions (labour) in order to ensure statutory rights of employees are in place and establish industrial peace.
- Identifying the delays occur in the performance of duties in district and sub labour offices and directing these offices to ensure an efficient service delivery by minimizing these delays.
- Identifying the offices and officers dedicated to perform relevant tasks in an efficient way and motivating such offices and officers by giving instructions for further development.
- Identifying the process applied by the offices, which have achieved goals and directing other offices to achieve their goals by communicating these successful stories to other offices.

11.2.1 Process for the supervision of District/ Sub Labour Offices

11.2.1.1. Phase

01. Giving instructions in writing to prepare files and reports required at the inspection, two weeks before.
02. Inspection of District/ Sub Labour Offices
Collecting information in given formats after inspecting the files and reports prepared at the office on due date.
03. Submission of the report which contains analysed data and recommendations
A report, which contains the picture on the efficiency/ inefficiency of the offices and recommendations to be considered will be sent to District/ Sub Labour Offices along with copies to Zonal Deputy Commissioner of Labour, all Commissioners of Labour, and the Commissioner General of Labour after analyzing the information collected at the inspection.

04. Reviewing the progress at zonal level

Having received the recommendation report, district/sub labour offices get the opportunity to present their progress at the progress review meeting within a period of 2-3 months.

This meeting is held under the chair of the Commissioner General of Labour and with the participation of Additional Commissioner Generals of Labour and commissioners of Labour at zonal level.

11.2.1.2 Activities, which have been supervised

01. Labour Inspections conducted by Labour Officers

The efficiency of activities such as planning of inspections, and granting approval to them, selecting institutions to which priority should be given, and providing such institutions by Assistant Commissioner of Labour and evaluation of inspection reports and submitting reports on due dates by Labour officers and the implementation of the recommendations were supervised.

02. Recovery of Employees' Provident Fund contributions

It has been planned in the process of supervision to expedite the recovery of arrears of contributions in Employees' Provident Fund, which were calculated by field inspections and in inquiries on complaints. Accordingly such activities were carried out in the following manner.

- Arrears files to be worked according to the general evidence register.
Instructions were given by way of clarifying steps to be taken to make recoveries promptly by examining files, for which recoveries have so far not been made, even though they were to be made during 2008-2015 and files, of which the payments were not confirmed even if the payments have been made.
- Arrears of recovery according to the Employees' Provident Fund Monitoring System
Since year 2015 steps of the recovery process were supervised by the system. Accordingly instructions were given to make the recovery process more efficient by way of supervising directly the files, of which arrears are to be recovered, updating the system with the examination of the position of the recovery of arrears not so far been paid, for which recovery notifications have been sent but no legal action has been taken.

Corrective measures were taken identifying reasons for delays at the level of each officer and office by way of obtaining the time taken to send recovery notifications for arrears of contributions of Employees' Provident Fund and analyzing them.

Inspections were carried out to find reasons for the failure of sending recovery notifications so far even after calculation of arrears and instructions were given to take necessary action to recover such arrears.

- Payment of benefits of Employees' Provident Fund
Action was taken to establish an efficient process for the payment of benefits identifying reasons for the failure to make prompt payments analysing the number of files obtained to pay benefits within three months and the actual time taken for the payment.
- Petition register and module for complaints
Giving instructions and recommendations for taking prompt actions regarding the files, of which settlement processes are delayed, by way of identifying such files and complaints received by each district / sub labour offices.

Necessary instructions and guidance were given to District / Sub Labour Offices for the supervision of management of complaints by complaint module of LISA (Labour Inspection

System Application). Accordingly the offices, which carry out proper management of complaints utilizing LISA (Labour Inspection System Application), were identified and instructions, training and guidance were provided to the offices, which have no such proper management.

- Legal Cases with open warrants and inactive cases
Action has been taken as per the instructions of the Legal Officer in charge of zones to take action to activate cases, which remain for years at district / sub labour offices under open warrant. Further it was instructed to refer the files, which cannot be activated, to Legal Enforcement Division. In the meantime the progress in the actions was also supervised.
- General Deposit Account
The contributions of Employees' Provident Fund, which were recovered through legal actions remain in this account without sending them to the Central Bank of Sri Lanka and the statutory payments recovered by inquiries remain in this account without paying back to the beneficiaries. Therefore instructions were given and the process were monitored to expedite the process of clearing the balance of this account, by paying back to the beneficiaries and sending to the Central Bank of Sri Lanka.

11.2.1.3 Setting future targets as per the supervision

All District and Sub Labour Offices were inspected following this supervisory method and accordingly analytical reports were submitted on the progress of each office. Then progress review meetings were conducted at zonal level. It was observed at these progress review meetings that some offices have reported a higher level of progress on a certain work whilst no progress at the expected level on another work. Accordingly all Deputy Commissioners of Labour in charge of the zones were informed to set targets for all the above mentioned tasks and to direct district and sub labour offices to achieve these targets during year 2019. Accordingly it will become possible to pay attention to verify whether all offices and officers will achieve the targets in year 2019 and further to evaluate the performance of the process.

11.3 Human resources Development

The quality of the services delivered by the Department depends on the knowledge of the officers on the role entrusted to them and their understanding for taking action in practical terms. Therefore it is one of the main responsibilities of the Planning, Research, Training and Publications Division to provide required knowledge to the officers at every level of the Department and making them aware of the development of such knowledge.

This responsibility on training is fulfilled by the Division by way of giving training to the officers engaging suitable resource persons after identifying their training needs and providing financial allocations to officers to participate in courses conducted by other institutions and further coordinating and providing financial allocations for overseas training programmes, whenever such opportunities are offered.

Accordingly main training courses are as follows

1. Basic degrees, Post Graduate Degrees, Certified Courses, Diplomas for which requests are made by officers after having satisfied qualifications
2. Courses conducted by other institutions for professional development

3. Training courses organized by the Department for officers at various levels on the identification of training needs
4. Overseas training courses
When officers are directed to follow the courses mentioned in 01 and 02 above, financial provisions are provided considering the effect of the course for professional development and the limits of the financial provisions.

In addition to the above the knowledge of officers are up dated and further they are educated to settle practical issues by way of progress review meetings and the meetings conducted by Deputy and Assistant Commissioners of Labour.



Photo11.1 - Several training programmes organized by planning, research, training and publication division

Training courses conducted - 2018

	Title of the programme	Institution	Category of officers	Number of the officers participated	Cost Rs..	Period of the training
Post Graduate Degrees	Law	ICBT CAMPUS	Legal Officer	1	217,000.00	Over 12 hours
	Economics	University of Kelaniya, University of Colombo	Commissioner of Labour, Dep. Commissioner of Labour, Assistant Commissioner of Labour, Accountant	11	441,000.00	
	Social Science	University of Kelaniya	Assistant Commissioner of Labour, Labour Officer.	9	300,000.00	
	Labour Relation and Human Resources Management	University of Colombo	Labour Officer, Senior Labour Officer.	5	500,000.00	
	Business Administration	University of Wayamba	Assistant Commissioner of Labour	1	100,000.00	
					1,558,000.00	
Degree	Law	Open University of Sri Lanka	Assistant Commissioner of Labour, Labour Officer.	13	176,237.00	Over 12 hours
Diploma	English	Sri Lanka Institute of Development Administration, Miloda Academy of Financial Studied, University of Sri Jayawardanapura	Assist Com of Labour, Labour Officer	4	115,000.00	Over 12 hours
	Contract Management and Procurement Management	Construction Industries Development Authority	Assistant Commissioner of Labour	1	90,000.00	
	Labour Laws and Labour Relations	National Institute of Labour Studies	Labour Officer	2	154,000.00	
	Planning of mechanical engineering	Institute of Engineers Sri Lanka	Mechanical Engineer	1	39,000.00	
					398,000.00	

Certificate Courses	Speedcraft Training with toastmasters	Sri Lanka Foundation	Addi Com Gen of Labour	1	15,000.00	Over 12 hours
	Advanced Administration & Security	Winsys Networks	P.M.A.	2	160,000.00	
	Active & Passive Fire Protection Systems in High Rise Buildings	Construction and machinery training center	Technological Officer	1	10,000.00	
	Data analysis	Sri Lanka Foundation	Assistant Director / Labour Officer.	2	40,000.00	
	Procurement Process	National Institute of Labour Studies	Accountant /P.M.A	2	16,000.00	
	Process of internal auditing	National Institute of Labour Studies	P.M.A	1	6,000.00	
	Board of Survey	National Institute of Labour Studies	P.M.A	1	8,000.00	
	General English	British Council	Public Relation Officer	1	44,500.00	
	Certificate course on computer science	University of Colombo - Human Resource Development Institute	Legal Officer / P.M.A / Clerk of E P F	3	75,000.00	
	An efficient secretary for productive service	Sri Lanka Foundation	P.M.A	1	10,000.00	
	Procurement process in public finance management	Sri Lanka Foundation	P.M.A	1	6,500.00	Below 12 hours
	Management of leave of public officers and documents	Institute of Vocational Development	P.M.A	2	25,000.00	
	Preliminary investigation	National Institute of Labour Studies	Deputy Com of Labour / Assist Com of Labour	6	36,000.00	
	Disciplinary procedure	National Institute of Labour Studies	Deputy Com of Labour / Assist Com of Labour.	4	32,000.00	
	Filing methods	National Institute of Labour Studies	P.M.A	1	3,000.00	
	Workshop on pension	Skills Development Fund	P.M.A	2	10,000.00	
	Seminar on National Audit Act	Sri Lanka Foundation	Addi Com Gen of Labour / Chief Accountant / Com of Labour. / Civil Engineer / Chief Internal Auditor	11	22,000.00	
	Stress Management	Sri Lanka Foundation	Com of Labour / Deputy Com of Labour. / Factory Inspecting Engineer / Assist Com of Labour /H.R.D.Officer. / P.M.A	8	28,000.00	
					547,000.00	

Programmes organized by Planning Research Training and Publication Division	Certificate course of Tamil Language for the implementation of official language policy - 1,2	Department of Labour	K.K.S/ Driver	300	316,600.00	Over 12 hours
	Induction training programme for newly recruited Public Management Assistants	Department of Labour	P.M.A	266	101,401.00	
	Two day workshop on procurement process	Department of Labour	Com of Labour / Chief Accountant / Accountant/ Engineer / Dep Com of Labour / Asst Com of Labour / Admin Officer / I. T. Officer / Senior Research Officer / P.M.A	62	104,185.00	
	Induction training programme for Office Employees	Department of Labour	K.K.S	35	45,750.00	Over 12 hours
	Two days residential programme on occupational health and industrial safety for Labour Officers	National Institute of Plantation Management	Labour Officer	100	331,702.80	
	E.P.F and LISA related training workshop	Department of Labour	P.M.A	240	245,385.00	
	Two days training workshop on labour law	Sri Lanka Foundation	Dep Com of Labour / Assist Com of Labour / Legal Officer / Labour Officer	200	1,518,785.50	Below 12 hours
	Introduction of methodology for inclusion of complaints of children to LISA programme CLEAR - and training of trainers for the purpose	Head Office, LISA Computer unit	Dep Com of Labour / Assist Com of Labour/ Labour Officer / I. T. Officer. / P.M.A	10	1950.00	

CLEAR - Introduction of methodology for inclusion of complaints of children to LISA programme and awareness on the method for settling issues arisen in the application of LISA programme (Public Management Assistants belonging to the zones in Southern , North Central,Sabaragamuwa, Western 01,Central, North, East, Western 02,03, Wayamba, Uva provinces)	Head Office, LISA Computer Unit	P.M.Assistant	99	69975.00	
					2735734.30
			1,698	5,414,971.30	

Table 11.1 - Training programmes conducted - 2018

Vote	Allocations for year 2018 (Rs.)	Expenditure as at 31.12.2018. (Rs.)	Balance as at 31.12.2018.(Rs.)	Expenditure as a percentage of the allocations %
221-01-01-2401	5,000,000.00	4,875,205.52	124,794.48	97.50
221-02-02-2401	150,000.00	55,000.00	95,000.00	36.67
221-02-03-2401	500,000.00	169,100.00	330,900.00	33.82
221-02-04-2401	3,000,000.00	2,973,139.30	26,860.70	99.10
Total	8,650,000.00	8,072,444.82	577,555.18	93.32

Table 11.2 - Total expenditure for the capacity building activities as at 31.12.2018 - 2018

12. Application of Information Technology for the service delivery

Department has paid thorough attention to enhance the convenience in the service delivery by computer systems with the application of information technology. By now a computer system is applied to implement the functions of Employees' Provident Fund and further LISA (Labour Inspection System Application) is implemented from year 2015 for collection of data on inspections on employees, studying the level of actions in the inspections of institutions and making necessary improvements and taking management decisions. However it is necessary to introduce further improvements to the system.

Even though these two computer systems have been introduced with a view to make the internal processes of the Department convenient, they should be further developed to maintain direct links with recipients. Therefore initial discussions are now being made with the objective to provide facilities for recipients to communicate through their mobile phone to get their matters attended.

In addition to the above, necessary documents such as forms and acts, decisions of wage boards to which employers should pay their attention, have been published in the website of the Department for downloading.

Accordingly services delivered by the Department of Labour during year 2018 through its website are as follows.

Serial No	Date	Service	Target Group
1	06.08. 2018	Publishing the decisions of wages boards to be downloaded in three languages	External recipients
2	02.10. 2018	Publishing scheme of recruitment of all the services	Internal and External recipients
3	18.10.2018	Ensuring the search facility to find relevant Labour Office by way of entering Grama Niladhari Division	External recipients
4	02.12.2018	Publishing all the forms (Including application for housing loan) in three languages for downloading	External recipients
5	12.12.2018	Publishing all statistical information (Including Labour statistics, annual survey on employment etc.) in three languages for downloading	Internal and External recipients
6	Throughout the year 2018	Updating following information, <ul style="list-style-type: none"> • Services ,which are delivered by the Divisions of the Head Office • Replies in three language to the inquiries made in three languages • Calling information of all Labour Offices and facility to find the location of offices by Google map 	Internal and External recipients
7.	Throughout year 2018	Providing necessary information on , <ul style="list-style-type: none"> • Training programmes • Particulars and results of open/limited examinations • Scholarships • Invitation for bids • Other special events 	Internal and External recipients

Table 11.3 - Services rendered by the Department through its website - 2018

13. Internal Auditing

The Department of Labour, like all other government institutions, should carry out all its functions adhering to the provisions of financial regulations, circulars issued by the government from time to time and circulars issued by the Department. Therefore the internal audit division has been established under direct supervision of the Commissioner General of Labour to verify as to whether the functions of the Department are carried out ensuring maximum utility and with transparency.

Tasks performed by the Internal Audit Division of the Department of Labour during year 2018 were as follows.

- Audit reports have been submitted by auditing 07 District Labour Offices, transport division of the Department, stores of the Employees' Provident Fund (Supplies Division) according to the audit plan for 2018.
- Answers have been provided for 26 audit queries raised by the Government Audit Division inspecting various offices of the Department and this includes the drafts of the reports of the Auditor General submitted in respect of the matters on Employees' Provident Fund and the Department for year 2017.
- 04 quarterly meetings of the Audit and Management Committee have been held during the year.

Labour Secretariat
Narahenpita, Colombo 05
Phone : (+94)11 2581142 / (+94)11 2581143
Fax : (+94)11 2581145
Email : contacts@labourdept.gov.lk

