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No. 1552/22 - THURSDAY, JUNE 05, 2008

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

My No. : CI/1657.

of the One Part

THE INDUSTRIAL DISPUTES ACT, CHAPTER 131

THE Collective Agreement entered into between Lanka Marine Services (Pvt.) Ltd., No. 69, Walls Lane, Colombo 15 of the one part and Sri Lanka Nidahas Sevaka Sangamaya, 301, T. B. Jayah Mawatha, Colombo 10 and Jathika Savaka Sangamaya, No. 416, Kotte Road, Pitakotte of the other part on 14th February, 2008 is hereby published in terms of Section 06 of the Industrial Disputes Act, Chapter 131, Legislative Enactments of Ceylon (Revised Edition 1956).

D. SOMAWEERA EDIRISINGHE,
Commissioner General
of Labour.

Department of Labour,
Labour Secretariat,
Colombo 05.
09th May, 2008.

Collective Agreement No. 06 of 2008

COLLECTIVE AGREEMENT

This Collective Agreement made on this 14th day of February, Two Thousand and Eight, to take effect from the 1st day of January 2008, between Lanka Marine Services (Pvt.) Ltd., a company having its registered office at No. 69, Walls Lane, Colombo 15 (hereinafter referred to as "the Employer").

And the Sri Lanka Nidahas Sevaka Sangamaya and the Jathika Sevaka Sangamaya, trade unions duly registered under the provisions of the Trade Unions Ordinance and having their registered Offices at No. 301, T. B. Jayah Mawatha, Colombo 10 and at No. 416, Kotte Road, Pita Kotte, respectively (hereinafter referred to as "the Unions").

of the Other Part

Whereas parties to this Agreement were signatories to the Collective Agreement entered into between the said parties on 14th May, 2004 and the provisions of the said Agreement were duly *Gazetted* as Collective Agreement No. 27 of 2004 and are currently operative, the parties have now mutually agreed to review some of the provisions of the Collective Agreement signed on 14th May, 2004 and also include a provision in respect of the payment of bonus. It is hereby agreed between the parties that the provisions of this Agreement will amend the provisions at clause 3(b) (v) of the said Collective Agreement No. 27 of 2004 signed between the parties on 14th May, 2004 as well as add the provisions relating to the payment of bonus.

Accordingly, the parties have hereby agreed as follows :

1. Parties Covered and Bound :

This Agreement shall cover and bind the employer, the unions and all permanent employees employed by the employer who are members of the unions.

2. Date of Operations and Duration of this Agreement :

This Agreement shall come into force on the 1st day of January 2008, and shall continue to be in force until either party terminates it by written notice in terms of the Industrial Disputes Act, but parties agree that no such notice shall be given before the 31st December, 2009.

3. Wages :

Parties agree to amend clause 3(b)(v) of Collective Agreement No. 27 of 2004 in relations to the payment of wages for the year 2008 as well as to provide for the revision of wages for the year 2009, in following manner :

- I. A sum equivalent to 30% of the salary payable to employees as at 31st December 2007, shall be added to the salaries of employees covered and bound by this Agreement with effect from 1st January, 2008.

Furthermore, the employer agrees to grant full arrears for the period 1st January, 2008 up to today on this basis.

- II. A sum equivalent to 10% of the salary payable to employees as at 31st December 2008, shall be added to the salaries of employees covered and bound by this Agreement with effect from 1st January, 2009.

4. Profit Bonus :

The employer agrees to make payment of an annual profit bonus, calculated on profit after tax in the financial years ending 31st March, 2008 and 31st March, 2009 respectively, to employees in the month of December each year commencing December 2008, in the following manner :

- (a) A bonus equivalent to four and half month's salary be paid to all employees covered and bound, provided that the employer records a profit after tax of Sri Lanka Rupees (Rs. 800 million).
- (b) An additional half month's salary shall be paid for every additional Rs. 100 million profit after tax recorded by the employer over and above the Rs. 800

million profit after tax set out in (a) above. (For example : if the profit after tax recorded by the employer for the financial year ended 2007/2008 is Rs. 900 million, each employee shall receive the equivalent of five (5) months' salary as profit bonus during December 2008).

- (c) In the event of the employer recording a profit after tax of less than Rs. 200 million but more than Rs. 100 million, the employer agrees to pay a sum equivalent to 1 months' salary as profit bonus.

- (d) In the event of the employer recording profit after tax of less than Rs. 100 million but more than Rs. 20 million, the employer agrees to pay a sum equivalent to half-a-month's salary as profit bonus.

- (e) Parties agrees that in the event the recorded profit after tax falls below Rs. 20 million, the employer shall not be liable to make any payment by way of a profit bonus.

5. It is agreed by parties that, subject to the amendments and additions set out in clauses 1 to 4 hereof, they would continue to abide by all remaining relevant provisions of Collective Agreement No. 27 of 2004.

6. Parties also agreed that they will also continue to abide by the Memorandum of Settlement entered into under the provisions of the Industrial Disputes Act on 8th December, 2006.

7. The employer, the unions and the employees covered and bound by this Agreement hereby agree that, during the period of this agreement, no party shall unilaterally attempt to amend, vary or alter any of the terms of this Agreement and the unions and the employees further agree that they shall not, either raise any demand or resort to any form of trade union action, whatsoever, in relation to any matter covered by this Agreement.

In witness whereof the parties aforementioned have hereunto set their hands at Colombo on this 14th day of February, 2008.

ZAFIR HASIM,
(Chief Executive),
Lanka Marine Services (Pvt.) Ltd.

LESLIE DEVENDRA,
(General Secretary),
Sri Lanka Nidahas Sevaka Sangamaya.

PALITHA ATHUKORALE,
(Chief Organizer),
Jathika Sevaka Sangamaya.