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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

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INDUSTRIAL DISPUTES (AMENDMENT)

A

BILL

to amend the Industrial Disputes Act (Chapter 131)

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 31^{DD} of the Industrial Disputes Act, (Chapter 131) (hereinafter referred to as the “principal enactment”) and the legal effect of that section as amended is to provide for the employer to furnish a security in cash to the President of relevant Labour Tribunal, in respect of an appeal to the Supreme Court, against an order of a High Court.

Clause 3: This clause inserts new section 31^{DDDD} in the principal enactment to provide for the employer to furnish a security in cash to the Commissioner-General of Labour, in respect of an appeal to the Court of Appeal, against an award of an arbitrator or an industrial court for the issue of a writ.

Clause 4: This clause inserts new section 33^A in the principal enactment to provide for the employer to furnish a security in cash to the relevant Magistrate’s Court, in respect of an application to the High Court, against an order of the Magistrate’s Court or the Commissioner-General.

Industrial Disputes (Amendment)

L.D.-O. 25/2021

AN ACT TO AMEND THE INDUSTRIAL DISPUTES
ACT (CHAPTER 131)

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

1. This Act may be cited as the Industrial Disputes Short title
(Amendment) Act, No. of 2022.

5 2. Section 31^{DD} of the Industrial Disputes Act Amendment of
(Chapter 131) (hereinafter referred to as the “principal section 31^{DD} of
enactment”) is hereby amended by the insertion immediately Chapter 131
after subsection (1) of that section of the following new
subsections:-

10 “(1A) Where an employer who is dissatisfied with
a final order of a High Court established under Article
154^P of the Constitution which is in favour of a workman
on an appeal made by such workman against any order
of a tribunal, appeals to the Supreme Court against such
15 order, he shall furnish to the President of such tribunal,
a security in cash, where the order which is the subject
of such appeal directs-

(a) only the payment of a sum of money to the
workman of an amount equal to such sum;

20 (b) both the payment of a sum of money to the
workman and re-instatement of such worker,
of an amount equal to such sum and twelve
times the monthly salary or wages of such
workman at the time his services were
25 terminated.

(1B) Every appeal preferred under subsection (1A),
shall be supported by a certificate under the hand of the

President of the Tribunal to the effect that the security as specified in subsection (1A) has been duly furnished by the employer.

5 (1c) The President of every Tribunal shall cause all moneys furnished as security under subsection (1A) to be deposited in an account bearing interests, in any approved bank in Sri Lanka.”.

3. The following new section is hereby inserted immediately after section 31DDDD of the principal enactment
10 and shall have effect as section 31DDDDD of that enactment:—

Insertion of new section 31DDDDD in the principal enactment

“Employer to furnish a security in respect of an application to the Court of Appeal
15 31DDDDD. (1) Where an application is preferred by an employer to the Court of Appeal, for the issue of an order in the nature of a writ, against an award made by an arbitrator under section 17(1) or by an industrial court under section 24, the Court of Appeal shall entertain such application upon furnishing a security by such employer, in cash to the Commissioner-General, where such award
20 which is subject to such application directs the payment of a sum of money to the worker, of an amount equal to such sum.

(2) The Commissioner-General shall cause to be deposited the sum as specified in subsection (1) in an account bearing interests, maintained by the Commissioner-General, in
25 any approved bank in Sri Lanka.

(3) Every application preferred under this subsection, shall be supported by a certificate under the hand of the Commissioner-General to the effect that the security as specified in subsection (1) has been duly furnished by such
30 employer.”.

4. The following new section is hereby inserted immediately after section 33 of the principal enactment and shall have effect as section 33A of that enactment:—

Insertion of
section 33A in
the principal
enactment

5 “Employer to furnish a security in respect of an application to the High Court

10 33A. (1) Where an employer who is dissatisfied with an order of a Magistrate’s Court on any written complaint made by the Commissioner-General under section 136B of the Code of Criminal Procedure Act, No. 15 of 1979 against such employer, due to any failure to comply with an order of a tribunal, an award of an industrial court or an arbitrator which has been made in favor of a workman, makes an application to invoke the revisionary jurisdiction of the High Court established under

15 Article 154P of the Constitution, in respect of such order, shall at the time of such application furnish to the relevant Magistrate’s Court, a security of an amount equal to such sum in cash, where the order which is the subject of such

20 application directs the payment of a sum of money to the worker.

25 (2) The Registrar of the Magistrate’s Court shall cause all moneys furnished as security under subsection (1), to be sent to the Commissioner-General to deposit in an account bearing interests, maintained by the Commissioner-General, in any approved bank in Sri Lanka.

30 (3) Every application made under subsection (1) shall be supported by a certificate under the hand of the Registrar of the relevant Magistrate’s Court to the effect that the security as specified in subsection (1) has been duly furnished by such employer.

4 *Industrial Disputes (Amendment)*

5 (4) The Commissioner-General shall refund the sum furnished under subsection (1) together with the interest on that sum to the relevant party in accordance with the final order of the High Court established under Article 154p, the Court of Appeal or the Supreme Court, as the case may be.”.

5. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency

