

ALLOWANCES TO PLANTATION WORKERS

Act,
No. 72 of 1981

**AN ACT TO PROVIDE FOR THE PAYMENT OF ALLOWANCES TO PLANTATION WORKERS,
AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

[1st January, 1982]

Short title.
and date of
operation.

1. This Act may be cited as the Allowances to Plantation Workers Act, No. 72 of 1981, and shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette (hereinafter referred to as the appointed date”)*.

Competent
authority

2. The Commissioner shall be the competent authority for the purposes of this Act.

Application
of this Act.

3. With effect from the appointed date, the provisions of this Act shall apply to , and in relation to, plantation workers in the following trades, namely:-

- (a) the tea growing and manufacturing trade;
- (b) the rubber growing and manufacturing trade;
- (c) the coconut growing trade;
- (d) the cocoa, cardamom and pepper growing and manufacturing trade;
- (e) the cinnamon trade; and
- (f) the tobacco trade,

and such workers shall be entitled to the allowances specified under section 5, irrespective of the extent of the plantation.

Provisions of the
Wages Boards
Ordinance
to apply in case of
certain allowances.

4. The provisions of the Wages Boards Ordinance shall apply to, and in relation to, payments of any allowances under this Act, to workers specified in section 3, as though such payments were required to be made by a decision made by the appropriate Wages Board.

Minister to
specify
allowance.

5. (1) The Minister shall, by Order published in the *Gazette*, specify any allowance that is or may become payable to any of the categories of workers specified in section 3.

(2) The Minister may vary the amount specified under subsection (1) by a subsequent Order published in the *Gazette*.

This Act to
have force
and effect
notwithstanding
any thing in any other
written law.

6. The provisions of this Act shall have force and effect notwithstanding anything in any other written law or any contract of employment whether oral, written, express or implied, and accordingly, in the event of any conflict or inconsistency between the provisions of this Act and any such other law or such contract, the provisions of this Act shall, to the extent of such inconsistency, prevail over any such other law or such contract.

Maintenance
of records by
employers.

7. (1) The employer of a worker in any trade set out in section 3 shall maintain and keep in the premises in which that trade is carried on, a record in respect of the workers employed in that trade, showing:-

- (a) the name of each worker employed;
- (b) the class of work performed by each such worker;
- (c) the amount paid to each such worker in accordance with the provisions of this Act.

*1st day of January, 1982.

(2) Every person who, as an employer, maintains or has maintained under subsection (1), any record, shall preserve such record for a period of six years and shall, when required to do so by the competent authority, produce such record for inspection and furnish a true copy of such record or permit such copy to be made.

(3) Any employer who fails to maintain and keep such record as is required to be maintained and kept by him under subsection (1), shall be guilty of an offence and shall be liable on conviction before a Magistrate, to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding three months, or to both such fine and imprisonment.

Power of competent authority.

8. The competent authority shall have the power-

- (a) to enter and inspect at all reasonable hours of the day or night any place in which workers referred to in this Act are employed, for the purpose of examining any register or record of wages, or of ascertaining whether the provisions of this Act are being complied with; or
- (b) where any such record or register is not available of examination when he is inspecting such place, to require the production of such register or record on a specified later date for examination at such place or at his office;
- (c) to take copies of the whole or any part of any such register or record ; or
- (d) interrogate any person whom he finds in such place and whom he has reasonable cause to believe is an employer or a worker engaged or employed in any trade carried on in such place ; or
- (e) to direct in writing any employer to whom this Act applies to furnish to him on or before a specified date-
 - (i) a return relating to all workers employed by any such employer or any specified class or description of such workers and containing such particulars as he may require for the purposes of this Act ;
 - (ii) such information or explanation as he may require in respect of any particulars stated in any return furnished by any such employer ; or
 - (iii) a true copy of the whole or any part of any register or record maintained by any such employer.

Failure to pay sum due to workers.

9. (1) Any employer who fails to pay a sum required to be paid to a worker of such employer under this Act, shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Where an employer has been convicted for failure to pay any sum required to be paid to a worker of such employer under this Act, then, if a notice in the prescribed form of intention to do so has been served on the employer at any time before the date of commencement of the trial, evidence may be given of any failure on the part of the employer to pay any sum in accordance with the provisions of this Act to that worker or any other worker or workers at any time during the six years preceding the date on which the complaint was made to court of the offence for which the employer has been so convicted and, on proof of the failure the court may order the employer to pay such sum as may be found by the court to be due from him to such worker. Any sum ordered to be paid under this subsection may be recovered in the same manner as a fine.

(3) In this section "prescribed" means prescribed by regulation made under section 11.

Certain laws not to apply to workers to whom this Act applies.

10. Notwithstanding anything in any written law, nothing in the Interim Devaluation Allowance of Employees Act, No 40 of 1968, the Special Allowance for Workers Law, No. 17 of 1978, the Budgetary Relief Allowance of Workers Law, No. 1 of 1978, the Budgetary Relief Allowance of Workers (No.2) Law, No. 18 of 1978, and the Supplementary Allowance of Workers Act, No. 65 of 1979, shall apply to any worker specified in section 3.

Regulations.

11. (1) The Minister may make regulations in respect of all matters which are stated or required by this Act to be prescribed.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

Interpretation.

12. In this Act, unless the context otherwise requires-

“cinnamon trade” has the same meaning as in the Order made by the Minister of Labour under section 6 of the Wages Boards Ordinance, in respect of that trade and published in Gazette No. 11,410 of July 4, 1958;

“cocoa, cardamom and pepper growing and manufacturing trade” has the same meaning as in the Order made by the Minister of Labour under section 8 of the Wages Boards Ordinance, in respect of those trades and published in Gazette No. 9,546 of April 4, 1946;

“coconut growing trade” has the same meaning as in the Order made by the Minister of Labour under section 6 of the Wages Boards Ordinance, in respect of that trade and published in Gazette No. 9,961 of March 30, 1949;

“Commissioner” means the person for the time being holding the office of Commissioner of Labour and includes any person for the time being holding office as a Deputy Commissioner of Labour or as a Senior Assistant Commissioner of Labour or as an Assistant Commissioner of Labour or as a Labour Officer;

“employer” means an person who on his own behalf employs, or on whose behalf and other person employs, any worker in any trade, and includes any person who on behalf of any person employs any worker in any trade ;

“rubber growing and manufacturing trade has the some meaning as in the Order made by the Minister of Labour under section 6 of the Wages Boards Ordinance in respect of that trade, and published in Gazette No. 10,035 of October 22, 1949 ;

“tea growing and manufacturing trade” has the same meaning as in the Order made by the Minister of Labour under section 6 of the Wages Boards Ordinance in respect of that trade, and published in Gazette No. 9,224 of January 7,1944 ;

“tobacco trade” has the same meaning as in the Order made by the Minister of Labour under section 6 of the Wages Boards Ordinance in respect of that trade and published in Gazette Extraordinary No. 13,713 of July 31, 1963 ; and

“wages” has the same meaning as in the Wages Boards Ordinance.

Gazette No. 511/11 of June 21, 1988]

THE ALLOWANCES TO PLANTATION WORKERS ACT, NO. 72 OF 1981

Order under Section 5(2)

By virtue of the powers vested in me by subsection (2) of Section 5 of the Allowances to Plantation Workers Act, No: 72 of 1981, I, Dayananda Abeywardana Wickramasingha, Acting Minister of Labour, do by this Order specify that the allowance payable to a worker in each of the categories of workers specified in Column 1 of the Schedule hereto shall be the amount specified in the corresponding entry in Column 11 of that Schedule.

The order shall come into force on the 1st day of June, 1988.

Colombo,
21st June, 1988

D.A. WICKRAMASINGHA,
Acting Minister of Labour.

SCHEDULE

Column 1 Categories of Workers	Column 11 Allowance payable for <i>a normal workign day</i> Rs. c.
1. <i>Tea Growing and Marufacturing Trade</i>	
In an estate of 50 acres or less in extent:	
Male workers not under 16 years of age	7 80
Female workers not under 15 years of age	11 77
Child workers	7 59
2. <i>Rubber Growing and Marufacturing Trade</i>	
In an estate of 50 acres or less in extent:	
Male workers not under 16 years of age	6 01
Female workers not under 15 years of age	9 89
Child workers	5 54
3. <i>Cocoa, cardamom Pepper Gorwing and Manufacturing Trade</i>	
Male workers not under 16 years of age	3 46
Female workers not under 15 years of age	7 44
Child workers	3 06