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SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of April 12, 2018

SUPPLEMENT

(Issued on 18.04.2018)



MATERNITY BENEFITS (AMENDMENT)

A

BILL

to amend the Maternity Benefits Ordinance (Chapter 140)

*Ordered to be published by the Minister of Labour, Trade Union Relations
and Sabaragamuwa Development*

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause amends section 3(1) of Maternity Benefits Ordinance (hereinafter referred to as the “principal enactment”) and the legal effect of the section as amended is to provide provisions for a woman worker for the period for which maternity benefits shall be paid.

Clause 3: This clause amends section 5 of the principal enactment and the legal effect of the section as amended is to provide provisions for the payment of maternity benefits for the woman worker at the prescribed rate.

Clause 4: This clause amends section 6 of the principal enactment and the legal effect of the section as amended is to provide provisions for woman worker not to claim benefits in respect of same confinement from more than one employer.

Clause 5: This clause amends section 7 of the principal enactment and the legal effect of the section as amended is to provide for a woman worker to inform her employer of the day of the confinement for the purpose of calculating the leave of the confinement.

Clause 6: This clause amends section 8 of the principal enactment and the legal effect of the section as amended is to inform the employer of any woman worker whether or not her confinement resulted in the issue of live child or not in order to ascertain the period for the payment of maternity benefits.

Clause 7: This clause amends section 11 of the principal enactment and the legal effect of the section as amended is to delete the words “alternative maternity benefits” from the section 11 of the principal enactment.

Clause 8: This clause amends section 15 of the principal enactment and the legal effect of the section as amended is to repeal paragraph (f) of subsection (2) of section 15.

Maternity Benefits (Amendment)

L.D.—O. 23/2015.

AN ACT TO AMEND THE MATERNITY BENEFITS ORDINANCE
(CHAPTER 140)

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

1. This Act may be cited as the Maternity Benefits Short title.
(Amendment) Act, No. of 2018.

5 2. Section 3 of the Maternity Benefits Ordinance Amendment
(hereinafter referred to as the “principal enactment”) is hereby of section 3
amended by the repealed of subsection (1) of that section of Chapter
and substitution therefor, of the following subsection:— 140.

10 “(1) The period for which any woman worker shall
be entitled to the payment of maternity benefits shall
be—

15 (a) twelve weeks, that is to say two weeks up
to and including the day of her
confinement and ten weeks immediately
following that day, if the confinement
results in the issue of a live child; and

20 (b) six weeks, that is to say two weeks up to
and including the day of her confinement
and four weeks immediately following
that day, if the confinement does not result
in the issue of a live child:

25 Provided however, that where such woman worker
has worked in her employment for any number of days
during the aforesaid period of two weeks referred to in
paragraphs (a) and (b) she shall be entitled to the

5 payment of maternity benefits for such number of days immediately after her confinement commencing from the day immediately after the date on which the aforesaid period of ten weeks or four weeks as the case may be, ends.”.

3. Section 5 of the principal enactment is hereby repealed and the substitution therefor, of the following section:—

Replacement of section 5 of the principal enactment.

10 “Liability of employer and rate of maternity benefits.

5. (1) The employer of a woman worker shall pay to such woman worker maternity benefits at the prescribed rate—

15 (a) for the entirety of the period of two weeks immediately preceding the confinement and of the period of ten weeks immediately following her confinement if such confinement results in the issue of a live child; and

20 (b) for the entirety of the period of two weeks immediately preceding the confinement and of the period of four weeks immediately following her confinement, if the confinement does not result in the issue of a live child:

25 Provided however, where such woman worker has worked in her employment on any number of days during the aforesaid period of two weeks referred to in paragraphs (a) and (b), she shall be entitled to maternity benefits for such number of days after her confinement.

30 (2) The periods in respect of which payments of maternity benefits shall be made under this section shall be in addition to any holiday or leave to which she is entitled.”.

4. Section 6 of the principal enactment is hereby repealed and the substitution therefor, of the following section:—

Replacement of section 6 of the principal enactment.

5 “Woman worker not to claim benefits, in respect of the same confinement, from more than one employer. 6. Nothing in the provisions of section 5 shall be deemed to entitle any woman worker to claim the maternity benefits referred to in this Ordinance from more than one employer in respect of the same confinement.”.

5. Section 7 of the principal enactment is hereby amended as follows:—

Amendment of section 7 of the principal enactment.

10 (1) by the repeal of subsection (2) of that section and substitution therefor, of the following subsection:—

15 “(2) A woman worker who has been confined shall, within one week of her confinement give notice to her employer of the date on which she was confined and for the purpose of ascertaining the number of days, she will be permitted to absent herself from the employment specify whether the confinement resulted in the issue of a live child or not;”and

20 (2) by the repeal of subsection (4) of that section and the substitution therefor, of the following subsection:—

25 “(4) The employer shall on receipt of the notice from a woman worker under subsection (1) or subsection (2), permit that woman worker to absent herself from employment—

(a) for two weeks immediately preceding, and ten weeks immediately following her

4 *Maternity Benefits (Amendment)*

confinement if the confinement results in the issue of a live child; and

5 (b) for two weeks immediately preceding and four weeks immediately following her confinement, if the confinement does not result in the issue of a live child:

10 Provided however, that where such woman worker has worked in her employment for any number of days during the aforesaid period of two weeks referred to in paragraphs (a) and (b), she shall be permitted to absent herself from employment for such number of days after her confinement commencing from the day immediately after the date on which the aforesaid period of ten weeks or four weeks, as the case may be end.”;

15 (3) by the insertion immediately after subsection (4) of that section of the following new subsection:—

20 “(5) The leave to which a woman worker is entitled under this Act in consequence of any confinement shall be in addition to any holiday or leave to which she is entitled under any other law or regulation.”.

25 6. Section 8 of the principal enactment is hereby amended, by the substitution for the words “notice of her confinement to her employer under section 7(2)” of the following words:—

Amendment of section 8 of the principal enactment.

30 “notice of her confinement to her employer under section 7(2):

Provided however, that for the purpose of ascertaining the period for which such woman

worker is entitled to the payment of maternity benefit, she shall inform her employer of whether or not her confinement resulted in the issue of a live child or not.”.

- 5 **7.** Section 11 of the principal enactment is hereby amended, in subsection (1) of that section by the substitution for the words “depriving her of any maternity benefit or alternative maternity benefits to which”, of the words, “depriving her of any maternity benefits to which”. Amendment of section 11 of the principal enactment.
- 10 **8.** Section 15 of the principal enactment is hereby amended, in subsection (2) of that section, by the repeal of paragraph (f) thereof. Amendment of section 15 of the principal enactment.
- 9.** 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.

