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Maternity Benefits (Amendment) Act, No. 6 of 1958

Date of Assent : February 20, 1958

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3

L. D.—O. 32/56.

AN ACT TO AMEND THE MATERNITY BENEFITS
ORDINANCE, No. 32 OF 1939.

[Date of Assent: February 20, 1958]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Maternity Benefits (Amendment) Act, No. 6 of 1958.

Short title.

2. Section 4 (as amended by Act No. 26 of 1952) of the Maternity Benefits Ordinance, No. 32 of 1939 (hereinafter referred to as "the principal enactment") is hereby amended, in sub-section (2) of that section, by the substitution, for the words "any shop, mine, estate or factory", of the words "any mine, estate, factory or prescribed establishment".

Amendment of
section 4 of
Ordinance
No. 32 of 1939

3. The following new sections are hereby inserted immediately after section 9, and shall have effect as sections 9A and 9B, of the principal enactment:—

Insertion of
new sections
9A and 9B in the
principal
enactment.

"Employment
not to be
terminated
because of
pregnancy or
confinement or
of illness in
consequence
thereof.

9A. (1) The employment of a woman worker shall not be terminated by reason only of her pregnancy or confinement or of any illness consequent on her pregnancy or confinement.

(2) Where an employer is prosecuted for the offence of acting in contravention of the provisions of sub-section (1), the burden of proving that the employment of the woman worker was terminated by reason of some fact other than her pregnancy or confinement or any illness consequent on her pregnancy or confinement shall be upon the employer.

Work which
is prohibited
during
pregnancy and
after
confinement.

9B. (1) Where a woman worker gives notice to her employer that she expects to be confined within such period (not exceeding three months), from the date so specified in the notice, as may, or specified, she shall not be employed, be caused or permitted to be employed, during the period

*Maternity Benefits (Amendment)
Act, No. 6 of 1958*

date and ending on the date immediately preceding the date of her confinement, on any such work as may be injurious to her or her child.

(2) A woman worker who is confined shall not be employed, or be caused or permitted to be employed, during the period of three months commencing on the date of her confinement, on any work referred to in sub-section (1). "

Amendment of
section 10A of
the principal
enactment.

4. Section 10A (inserted by Act No. 26 of 1952) of the principal enactment is hereby amended—

(a) by the substitution, for the words " any shop, mine, estate or factory ", of the words " any mine, estate, factory or prescribed establishment "; and

(b) by the substitution, for the words " that shop, mine, estate or factory. ", of the words " that mine, estate, factory or establishment. ".

Amendment of
section 12 of
the principal
enactment.

5. Section 12 (inserted by Ordinance No. 35 of 1946) of the principal enactment is hereby amended, in sub-section (1) of that section, by the substitution, for the words " mine or shop ", of the words " mine or prescribed establishment ".

Amendment of
section 13 of
the principal
enactment.

6. Section 13 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution, in paragraph (c) of that sub-section, for the words " mines, and shops; ", of the words " mines and prescribed establishments; ".

Replacement of
section 14 of
the principal
enactment.

7. Section 14 of the principal enactment is hereby repealed and the following new section substituted therefor:—

" Offences
and
penalties.

14. (1) Any person who, being an employer,—

(a) acts in contravention of or fails to comply with any provision of this Ordinance or of any regulation made thereunder, or

(b) makes or causes to be made any statement which he knows to be false in any return or

information which is required under this Ordinance or a regulation made thereunder and which is furnished by him or caused by him to be furnished, or

(c) makes or causes to be made any entry which he knows to be false in any record, register or book which is maintained by him under this Ordinance or any regulation made thereunder, or

(d) hinders, obstructs or molests any officer in the exercise or performance of the powers or duties conferred or imposed on that officer by this Ordinance or any regulation made thereunder,

shall be guilty of an offence under this Ordinance and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

(2) On the conviction of any employer for the offence of failing to pay maternity benefits to any woman worker in accordance with the provisions of this Ordinance, the Court may, in addition to any other sentence, order the employer to pay such sum as may be found by the Court to be due as such benefits to such worker. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine."

8. Section 19 of the principal enactment, as amended by Ordinance No. 35 of 1946, is hereby further amended as follows:—

Amendment of
section 19 of
the principal
enactment.

(a) by the insertion, immediately after the definition of "Commissioner", of the following new definition:—

" "confinement" means labour resulting in the issue of a child whether alive or dead, or the issue of a viable

*Maternity Benefits (Amendment)
Act, No. 6 of 1958*

foetus, and the expression "con-
fined" shall be construed accord-
ingly;";

(b) in the definition of "employer", by the
substitution, in paragraph (a) of that
definition,—

(i) for the words "a shop, mine or
factory," of the words "a mine,
factory or prescribed establish-
ment,"; and

(ii) for the words "the shop, mine or
factory;"; of the words "the mine,
factory or prescribed establish-
ment;";

(c) in the definition of "employment", by the
substitution, for the words "a shop, mine,
estate or factory;"; of the words "a mine,
estate, factory or prescribed establish-
ment;";

(d) in the definition of "estate", by the
substitution, for the words "cardamoms
or coconuts;"; of the words "cardamoms,
coconuts, paddy or any other agricultural
plantation;";

(e) by the substitution, for the definition of
"factory", of the following new
definition:—

" "factory" has the same meaning as in
the Factories Ordinance, No. 45 of
1942;";

(f) by the insertion, immediately after the
definition of "prescribed", of the follow-
ing new definition:—

" "prescribed establishment" means any
establishment—

(a) prescribed by name; or

(b) in which any prescribed trade,
business, industry or occupa-
tion is carried on;";

(g) by the omission of the definition of "shop"
and

(h) in the definition of "woman worker", by the substitution, for all the words from "means" to "ten or more persons are employed," of the following:—

"means a woman (other than a woman employed in or about the business of the office or clerical department of any mine, factory, estate or prescribed establishment or a woman whose employment is of a casual nature) employed on wages in any mine, factory, estate or prescribed establishment in which five or more persons are employed,".