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AGRICULTURAL WAGES AND EARNINGS OF PRIMARY PRODUCERS

A résumé of the discussions at the Asian Regional Conference of the International Labour Organization (Nuwara Eliya—January, 1950)

THE preliminary Asian Regional Conference held in New Delhi in 1947, recognized that "notwithstanding the primary importance of promoting intensive industrial developments, agriculture will, for a long time to come, remain the chief source of income for the majority of the population of Asian countries" and "that the primary producers in the rural areas of Asia constitute more than half the working people of the world". Hence it became important to study the problems of small-owner cultivators, tenant cultivators and landless labourers (including share-croppers). The International Labour Office undertook an extensive preliminary survey and prepared a review of the points to be considered in a survey of agricultural wages and incomes of primary producers with a view to wage regulation and introduction of measures to increase their incomes. This report formed the basis of discussion at the Nuwara Eliya Conference.

2. In Ceylon of the 2,623,000 persons gainfully occupied in 1946, about 1,344,000 were engaged in agricultural pursuits. Of this number about 645,000 workers in the Tea, Rubber, Coconut, Cocoa, Cardamom and Pepper growing trades are covered by Wages Boards. Viewed from another angle, wage regulation in Ceylon is primarily concerned with agricultural labour working in the plantations. Of the total of a little over 700,000 workers covered by Wages Boards well over 90 per cent. are workers in the plantations. Among the agricultural workers not covered by Wages Boards the vast majority are paddy cultivators—most of them on a share basis. Once they are covered nearly 90 per cent. of Ceylon's agricultural man-power would be protected by Legislation and assured of a fair share of the product of their labour. The returns in village agriculture are so low that in many cases wage regulation might mean, in practice, the shifting of the burden of poverty from the shoulders of one on to those of another who cannot bear it any the better. An increase on per capita and per acre productivity is an essential pre-requisite for ensuring a living wage or income for the primary producers.

3. At the commencement of the proceedings in Committee, the representative of the International Labour Office indicated that a Special Committee had been appointed by the Governing Body to deal with the plantation labour and that this Committee need not pay special attention to plantation problems. After some discussion on the advisability of excluding plantation labour from the discussions of the Committee, it was decided not to devote too much

attention to this aspect. However, as the Committee felt that this subject needed urgent attention from the International Labour Office the preamble to the draft resolution was amended by the inclusion of the following paragraph:—

“Noting that the question of conditions of work on plantations will receive special examination in the near future by the Committee on work on plantations established by the Governing Body of the International Labour Office for this purpose”.

4. The Committee thereafter directed its attention to the various problems that have to be solved in regulating wages in village agriculture. The absence of Trade Unions among farm-workers and the paternalistic attitude of the employers and the social relationship between employer and worker presented difficulties both in the formulation and enforcement of wage regulations. The smallness of a large number of holdings in most Asian countries caused by fragmentation in the course of several generations presented an inordinately large number of small employers with one or two workers under each. Often work was only part of a social relationship that existed between the employer and workers. The Committee considered it undesirable to postpone wage regulation in the larger establishments till the difficulties found in the small establishments were solved. The necessity for wage regulation in Agriculture was accepted on principle with the following added in the nature of a proviso:—

“Regulation of wages by such machinery should however be restricted to undertaking of such size as renders enforcement practicable”.

While recognizing the need for the continuation of payment in kind, the Committee felt it necessary to prevent abuse of this concession by employers and empowered wage fixing authorities to decide in appropriate cases the minimum proportion of wages payable in cash.

5. Share cultivators in Asia constitute a very large proportion of the agricultural population. Unlike the agricultural workers their income is not fixed, but varies with the yield from the land which is conditioned by several factors such as fertility of the soil, weather conditions, strain of seed material used, &c. In most countries the proportion payable to the land-owner who is often a silent partner is unduly high—being half the produce. These workers, not being wage earners, will not be covered by any form of minimum wage regulation. The French delegation suggested that this category of workers too should be given some sort of protection and brought forward a resolution requesting the International Labour Organization to undertake a study of conditions of work in various countries in Asia and suggest ways and means of ameliorating their conditions. This was accepted with certain minor amendments and became Resolution No. 3 in the report presented to the Conference. In Ceylon, Legislation has been proposed to cover this category of workers and is being considered informally by the various parties represented in the Legislature.

6. In most Asian countries there is very little statistical data about wages paid to farm workers, about their conditions of work, costs of living, &c., and it was felt that such data was indispensable to the formulation of any economic policy designed to better the lot of the peasants. The peasants and workers who are classified together as primary producers form the backbone of Asian economy

and the improvement of their lot deserves top priority. A resolution was passed by the Committee requesting the International Labour Office to assist member States in studying the conditions of work of the agricultural workers and peasants in a scientific and systematic way. Such a study would bring to the surface the problems of under-employment and concealed unemployment in rural areas. This resolution, therefore, requested the Governing Body to cause a study of these problems as well as those connected with the training of agricultural workers. This Resolution appears as No. 2 in the report presented by the Committee to the Conference.

7. The shortage of food and the growing population of Asia were always to the fore in the deliberations of the Committee. Mr. P. V. Acharya of the Food and Agricultural Organization pointed out that the population of the world was increasing at the rate of 50,000 per day, 33,000 of this being in Asia. He also pointed out that half the population of the world in Asia had to depend for its subsistence on no more than 1/7 of the arable lands of the world. The productivity of these lands was low on account of the lack of agricultural equipment, soil exhaustion, soil erosion and the lack of financial resources for the mechanization of agriculture. The need for extending the area under cultivation and for the introduction of intensive cultivation in areas already under the plough was stressed by all the delegations. The emphasis on commercial crops at the expense of food crops in many Asian countries has resulted in a lop-sided economy with sharp fluctuations in the fortunes of the peasants and workers parallel to the movement of prices of primary commodities in the International Markets. It was appreciated that the technical details for increasing food production were more within the competence of the Food and Agricultural Organization than that of the International Labour Organization. The resolution passed by the Committee touched on this aspect only in a very general way without going into details.

8. The liberation of several Asian countries which were formerly under a system of Colonial Government has altered the balance between the East and the West. Asia's growing importance is already recognized by the International Labour Office. It is hoped that in future years the International Labour Office would be able to pay greater attention not only to the regulation of conditions of work in agriculture, but also to the training of agricultural workers as agriculture is fast becoming a technical science requiring specialized attention.

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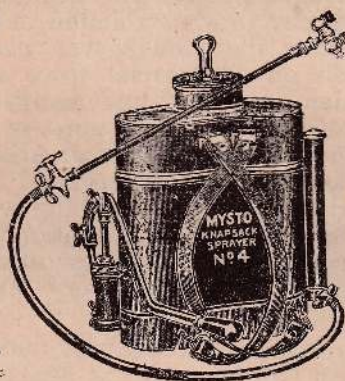
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A SUMMARY OF THE PRINCIPAL INSURANCE SCHEMES RECOMMENDED BY THE COMMISSION ON SOCIAL SERVICES

(Sessional Paper VII of 1947—Ceylon)

1. In every country there exists a section of the community which finds itself, at some time or other, in grave financial difficulties arising from the hazards of sickness, injury whilst at work, unemployment, old-age and from having to maintain large families. The U. K. *White Paper on Social Insurance emphasizes that one of the two principal duties of any Government is to secure the prosperity and happiness of its peoples by increasing the productive power of the country and by preventing individual want. Social Insurance or Social Assistance are the accepted methods whereby the latter problem could be solved.

2. A Commission was appointed in July 1944 to inquire into the existing Social Services of the country and to report upon the possibility of introducing social insurance measures along the lines adopted in the more progressive countries. The Report of this Commission was published as a Sessional Paper (S. P. VII—1947).

3. After making a very careful study of the social and economic conditions prevailing in Ceylon, the Commission decided that it would be impossible to introduce a comprehensive scheme of Social Insurance as yet, but recommended modified measures taking into consideration the financial resources of the country. The three principal schemes recommended are, inter alia—

- (a) a Health Insurance Scheme,
- (b) an Unemployment Insurance Scheme, and
- (c) a National Provident Fund.

For the purposes of this article the schemes referred to at 3 (a) and (b) above are dealt with together as a Combined Health and Unemployment Insurance Scheme.

Scope

4. All persons between the ages of 16 and 60 employed under Contracts of Service to be compulsorily insured. For a start, it is recommended that all Central and Local Government employees, those in employment in Mercantile establishments, shops, hotels, building operations and domestic service, and those employed in trades for which Wages Boards have been established should be insured. At the present moment Wages Boards exist for sixteen such trades, viz:—

- (i) Tea Growing and Manufacturing Trade
- (ii) Rubber Growing and Manufacturing Trade
- (iii) Coconut Growing Trade
- (iv) Coconut Manufacturing Trade
- (v) Engineering Trade
- (vi) Printing Trade
- (vii) Plumbago Trade
- (viii) Tea Export Trade
- (ix) Rubber Export Trade
- (x) Toddy, Arrack and Vinegar Trade
- (xi) Cigar Manufacturing Trade
- (xii) Motor Transport Trade
- (xiii) Match Manufacturing Trade
- (xiv) Dock, Harbour and Port Transport Trade

- (xv) Cinema Trade
- (xvi) Building Trade

Casual workers are to be excluded at the commencement.

5. The inclusion of employees of Central and Local Governments in such a scheme may be questioned in view of the fact that most of them are safeguarded against the risks of sickness, unemployment and old-age by the favourable terms of their employment. But it is an accepted principle in most progressive countries in which social legislation exists that servants of the Government and others who enjoy the privileges of sick-leave with full pay and pensions on retirement should be made to contribute towards the general well-being of their less fortunate brethren. In recommending the inclusion of this privileged class in any local schemes, the Commission wisely follows accepted practice.

6. Approximately 1,000,000 persons will be insurable if the scheme covers the employments referred to in para (4) leaving the remainder to be cared for by the existing State services until such time as they too could be brought within the scope of insurance. In this connexion it would be worth pointing out that when Social Insurance was first introduced in the United Kingdom in 1911, non-manual workers earning over £250 (Rs. 3,300 approx.) per year, agricultural workers and domestic servants were excluded. These and many others were, since that date, drawn into the United Kingdom scheme by gradual stages until, today, a scheme almost universal in scope and application exists.

Contributions

7. On account of the wide range of incomes in Ceylon the Commission found it impracticable to suggest uniform rates of contributions and benefits for all classes. Under present conditions the Commission decided that the most satisfactory method would be to divide the wage-earning population into income groups and fix different rates of contributions for each group. The classification is based on pre-war incomes and the following weekly contributions have been suggested:—

<i>Class</i>	<i>Daily Income</i>	<i>Weekly Contributions</i>
A	Less than 75 cents	10 Cents
B	75 cents or more but less than Rs. 1.50	20 ..
C	Rs. 1.50 or more but less than Rs. 4	50 ..
D	Rs. 4 and over	Re. 1

8. The employer will pay a fixed weekly contribution of Re. 1 in respect of every insurable employee. Contributions will be paid weekly by means of a stamp affixed to a card, except in the case of Government servants whose contributions will be recovered and recorded in the same manner as applies to other authorized deductions. The employer will be responsible for the collection of contributions from his employees and for ensuring that the cards are stamped for the weeks in respect of which such a deduction is made.

Benefits

9. A person insured under the combined Health and Unemployment Insurance Scheme is covered against loss of income arising through sickness and unemployment. The Commission has also suggested that Maternity Benefit should be provided in the case of female employees. Sickness benefit should be paid for a maximum

of 26 weeks in a year at two-thirds basic wage or Rs. 40 per week whichever is less on the fulfilment of certain contribution conditions. These conditions are that—

- (i) the claimant should have been in insurance for at least 104 weeks of which 26 weeks shall have been in the 52 weeks immediately preceding the claim, and
- (ii) the claimant should have been an insured person in the four weeks immediately preceding the claim.

This in effect, means that benefits will not be paid out until the scheme has been in operation for two years. Apart from the qualifying conditions mentioned above the Commission suggests certain other statutory conditions connected with the "waiting period", income from employment during entitlement to benefit, and certification of claims. These suggestions are to be found in para 201 of the Sessional Paper under reference.

10. As briefly mentioned earlier, Maternity Benefit has been recommended for female employees who are insurable. The qualifying conditions have been relaxed to a great extent, the principal requirements being that the claimant's card should have been stamped in respect of at least two of the eight weeks preceding the claim and that she should have been insured for at least 26 weeks in the 52 weeks preceding the claim. Claims will have to be supported by a certificate from a Government Medical Officer. Benefit will be the full amount of salary or wages subject to a maximum of Rs. 40 per week and should be payable for a period of six weeks commencing not earlier than four weeks before the expected date of confinement. If benefit is required for more than six weeks, it should be given on the same conditions as for sickness benefit.

11. The Commission appears to have been presented with tremendous difficulties in deciding upon the rates of unemployment benefit on account of the peculiar social and economic conditions prevailing in Ceylon. In view of the increasing demand for "white-collar jobs" on account of the rapid expansion of facilities for secondary education and in the absence of any planned Industrial Development, the Commission felt it would be desirable to fix a lower maximum than Rs. 40 per week in the case of Unemployment Benefit. Accordingly it recommended that benefit should be at two-thirds of salary or wages subject to a maximum of Rs. 10 per week. The "waiting period" of six days recommended for sickness benefit is retained for unemployment benefit too but, the maximum duration of benefit has been reduced to 13 weeks in any one year.

12. The qualifying condition for Unemployment Benefit suggested by the Commission is that the claimant should have paid at least 26 contributions in the two years immediately preceding the claim. The claimant should also prove that he is unemployed and that he is capable of and available for work. A person should be disqualified from receiving benefits if—

- (i) he loses his employment through his misconduct or voluntarily leaves his employment without good reasons
- (ii) he loses employment by reason of a stoppage of work due to a trade dispute
- (iii) he has failed to take advantage of a reasonable offer of employment
- (iv) he is an inmate of a prison.

13. Very close liaison will have to be maintained with the Department of Labour to effectively operate on Unemployment Insurance Scheme as practically all this work will have to be done through the medium of Employment Exchanges. A person who becomes unemployed should register himself at the Employment Exchange and leave his Insurance Card there. He will be required to attend the Exchange as often as the Insurance Officer considers it necessary. In the United Kingdom all work connected with Unemployment Benefit continues to be performed by the Ministry of Labour and National Service on an agency basis for the Ministry of National Insurance.

In all the cases mentioned in the preceding paragraphs the Commission recommends that there should be a right of appeal against a decision of the Insurance Officer. There should be for this purpose a number of Appeal Tribunals each comprised of three members—a Chairman, a representative of the employees and a representative of employers. In the case of Unemployment Benefit decisions it is suggested that there should be a right of appeal to an Umpire against a decision of the Appeal Tribunal.

Administration

The contributions will be credited to an Insurance Fund which will be controlled by the Director of Social Services who will also administer the scheme with the aid of an Advisory Committee.

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JUDGMENTS IN APPEAL IN WORKMEN'S COMPENSATION CASES

WORKMEN'S COMPENSATION CASE No. C3/95/43

S. C. No. 708/1944

Appellant: (applicant) DANUSKODY THEVAR

Vs.

Respondent: (employer) A. V. MICHAEL FERNANDO

Present: Wijeyewardene, J.

Argued on 9th March, 1945.

H. W. Thambiah, for the applicant-appellant.

H. W. Jayawardene, for the defendant-respondent.

Delivered on 27th March, 1945.

WIJEYWARDENE, J.—This is an appeal from an order made by Commissioner for Workmen's Compensation dismissing the appellant's claim for compensation in respect of the death of his son Suppiah.

Suppiah was a labourer employed in the Colombo Harbour by the respondent in loading bags of tea leaves. The bags are carried up from the lighter to the ships in the harbour by means of a sling—described by one witness as “merely a loop of a rope”—worked by a crane. When all the bags have been sent to the ship, Suppiah and his co-workmen on the lighter have to go on board the ship, get their names registered by a clerk and leave the ship by a gangway and go ashore in a boat provided by the respondent. On the day in question Suppiah clung to the last load of bags carried by the rope sling. The deckman who was on board the ship saw Suppiah coming up on the loaded sling and gave orders for the sling to be “halted”. Immediately afterwards, the bag to which Suppiah was clinging got unloosened. Suppiah fell down with the bag and was killed.

Evidence was led before the Commissioner to show that a net sling was used to convey labourers between the lighter and the ship and that they had been warned not to go up or down in an empty or loaded rope sling. There was evidence also to show that Suppiah had been warned on this occasion too not to come up on the loaded sling. The Commissioner has accepted that evidence.

The issues framed by the Commissioner at the commencement of the inquiry were:—

- (a) Did the deceased Suppiah receive personal injury by accident arising out of his employment under the respondent?
- (b) Is the applicant a dependant of the deceased?
- (c) What compensation, if any, is payable by the respondent?

The Commissioner answered issue (a) in the negative and issue (b) in the affirmative and awarded no compensation to the applicant. It will be noted that the parties were not at issue on the question whether the accident was “in the course of employment”.

In dealing with issue (a) the Commissioner held:—

“This case falls to be dealt with on the lines of the three questions framed by Lord Maugham in *Noble v. Southern Railway Co.* (1940) Appeal Cases 583. The answers are as follows:—

1. Looking at the facts proved as a whole including the order given to the workman not to use the loaded sling to go up to the ships it must be held that the accident was not one which arose out of the employment of the deceased under the respondent. (*Moore (A.G.) & Co. v. Donnelly* (1921). 1 Appeal Cases 329).
2. The answer to the first question is in the negative as the accident was due to the deceased contravening an order given to him by the person who supervised his work by going up to the ship on the loaded sling.
3. The act of the deceased was not done for the purpose of and in connection with his employer's trade or business The object appears to have been to get ashore as early as possible after the actual work of loading the bags of tea leaves had been accomplished. . . . it would have been different if the accident occurred when the deceased descended to the lighter from the ship in order to work expeditiously”.

I may observe at this stage that in answering the third question the Commissioner appears to have considered the motive of Suppiah in disobeying the prohibition. Such a consideration is irrelevant as Lord Wright observed in *Noble v. Southern Railway Co.* (*supra*):—

“The motive, in the narrower sense of the immediate urge in choosing to go by the prohibited route is immaterial, whether it was to save time or to save himself, trouble. The test is objective and depends on the fact that his proceeding to the station was within the sphere of his employment”.

A large number of English cases was cited at the hearing before me. As was remarked by Earl Loreburn in *Blair & Co., Ltd. v. Chilton* (1915) 8 Butterworth's Workmen's Compensation Cases 324.

“The Workmen's Compensation Act is an Act leading itself to infinite refinement. The words of the Act itself rule in every case. Previous decisions are illustrations of the way in which Judges look at cases, and in that sense are useful and suggestive; but I think we ought to beware of allowing tests or guides which have been suggested by the Court in one set of circumstances, or in one class of cases, to be applied to other surroundings, and thus by degrees to substitute themselves for the words of the Act itself”.

Apart from the danger indicated above, a Court has to act cautiously in following the English decisions, as Section 3 of the Workmen's Compensation Ordinance is not identical with the corresponding provisions of the English Acts which govern those decisions. It is, I think, desirable to examine the various statutory provisions made in England from 1906.

The Workmen's Compensation Act of 1906 enacted:

“Section 1 (1). If in any employment personal injury by accident arising out of and in the course of the employment is

caused to a workman, his employer shall, subject as hereinafter mentioned, be liable "to pay compensation in accordance with the First Schedule in this Act".

" (2) Provided that—

(a)

(b)

(c) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed".

Under this Act one of the methods used to show that the injury was not caused by an "accident arising out of the employment" was by proving that the workman was doing some thing which he was prohibited from doing. This gave rise to the distinction drawn in *Plumb v. Cobden Flour Mills Company, Limited* (1914) Appeal Cases 62 between "prohibitions which limit the sphere of employment and prohibitions which only deal with conduct within the sphere of employment". It was held that it was only a "scope limiting prohibition" that prevented an accident from arising out of the employment.

In *Moore (A.G.) & Co. v. Donnelly* (*supra*) a miner, in the course of his employment fired a shot by means of a fuse and detonator and retired to a place of safety. The shot missed fire. Acting in contravention of certain Statutory Orders made under the Coal Mines Act, the miner returned to the place of the shot in less than one hour, when the shot blew off in his face and disabled him permanently. It was there held that the miner was not entitled to compensation.

LORD BIRKENHEAD, L.C. stated:

"On principle, no distinction can logically be drawn between a prohibition founded upon statute and one imposed by the employer to regulate the employment.....Where a prohibition for which the employer is responsible, in matters comparable to those under discussion, is brought clearly to the notice of the Workman, his breach of it takes him outside the "sphere of his employment, so that the risk in which he involves himself has ceased to be reasonably incidental to that employment".

As a result of this decision, the Legislature amended the Law by an Act of 1923 providing that even in such circumstances as those in *Moore (A.G.) & Co. v. Donnelly* (*supra*) the accident "shall be deemed to arise out of and in the course of the employment", if the act done by the workman in contravention of orders was done by the workman "for the purposes of and in connection with his employer's trade or business". That Act of 1923 was an amending Act to be read with the principal Act of 1906 and the relevant provision was contained in Section 7 which read:

"For the purposes of the principal Act, an accident resulting in death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory

or other regulation applicable to his employment or any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business".

In the new Act of 1925 the relevant provisions are as follows:—

Section 1 (1). Same as Section 1 (1) of the 1906 Act.

Proviso (a). Same as Section 1 (2) (A) proviso of 1905 Act with a slight amendment

Proviso (b). Same as Section 1 (2) (c) proviso of 1906 Act.

Section 1 (2). Same as Section 7 of the 1923 Act.

Wilsons and Clyde Coal Company, Limited v. M'Ferrin and Kerr or M'Aulay and another v. James Dunlop and Company, Limited (1926) Appeal Cases 377 showed the scope of Section 1 (2) of the Act of 1925. In the first case M'Ferrin and Hendry, two miners, had to bring down a "nose" of coal by blasting. Each miner had to bore a hole, charge it with explosive, stem it and then light a strum. After stemming his hole M'Ferrin gave the usual warning to all in the vicinity. He then lit his strum and went to a place of safety. Hearing a shot going off, M'Ferrin thought it was his, having forgotten temporarily there were two shots to go off. After a few minutes M'Ferrin went back to find out if his shot had brought down the coal. The shot which went off was Hendry's shot. His shot had, in fact, misfired and went off in his face when he returned and injured him seriously. In returning within an hour he contravened the provisions of a Statutory Order. Though the facts were similar to those in *Moore (A.G.) & Co., v. Donnelly (supra)* it was held that the workman was entitled to compensation in view of Section 1 (2). In the second case M'Aulay, a miner, was engaged along with a fireman and another miner, in firing by electricity a series of shots in a mine. When one of the shots had exploded, M'Aulay came from his place of safety and coupled the cable to the detonator of the next shot. At the time the fireman was moving the handle of his firing battery, which was still attached to the cable, to free some mechanism which had jammed. The shot exploded and M'Aulay was killed. There was a statutory mining regulation which provided that the person authorized in writing by the Manager to fire the shots should himself do the coupling. It was held that in coupling the cable to the detonator, M'Aulay was arrogating to himself a duty restricted to the authorized shot firer and that the accident did not arise out of the employment and that section 1 (2) did not apply.

I shall discuss now the case of *Noble v. Southern Railway Co. (supra)* relied on by the Commissioner. In that case the Court of Appeal had to consider again the effect of Section 1 (2) of the English Act. Noble, the husband of the claimant, was a fireman employed by the Railway Company, and attached to the locomotive depot at Norwood Junction. He was asked to go to East Croydon to carry out duties there. For that purpose he had to walk from the depot to Norwood Junction and then take train to East Croydon. The recognised route from the depot to Norwood Junction was along a lighted footpath. There was another route which was shorter along the lines of the Railway. That route was a dangerous one and its use by the employees of the Company was prohibited by written instructions which stated further that an employee using that route would be acting "outside his employment". Noble went along the

prohibited route and was killed by an electric train. The decision of the House of Lords was in favour of the claimant. In the course of his judgment, Lord Porter said:

"The so-called prescribed route is not a limit outside which the man has ceased to be acting within his employment. He may indeed be acting in contravention of his master's orders, but except in this respect he is not going outside the sphere of his duties".

Dealing with the doctrine of "added peril" Viscount Maugham said:

"It is clear that if the case comes within sub-section 2 the man will be entitled to compensation notwithstanding the added risk which the man has run by his disobedience. That obviously is the very object of the sub-section in the case of death or serious or permanent disablement being caused by the accident".

The effect of this decision as may be gathered from the various judgments appear to me to be as follows:—

The question has to be considered first whether the accident arose "out of and in the course of the employment" within the meaning of section 1 (1) of the Act. In the consideration of this question the Judge of the County Court should ignore the order in contravention of which the workman was acting when he was killed or seriously injured. The order to be ignored may be even one of such a nature as would have been held before 1923 to be a "scope-limiting" order. If the answer to the question so considered is in the negative then the claim fails. An instance given by Lord Atkin is that of a guard not employed as engine driver and injured while driving the train. His injury would not arise out of and in the course of his employment apart from the fact that his employers had made an express regulation that no guard was to drive an engine. Another instance is afforded by *M'Aulay and another v. James Dunlop & Co., Ltd.* (*supra*). If the answer to the question is in the affirmative then the further question has to be considered whether in view of the contravention of the order or regulation it is or it is not an accident arising out of the employment. If the answer to that question is also in the affirmative the claim succeeds. If the answer to this further question is in the negative, then the Judge must inquire whether the "act was done by the workman for the purposes of and in connection with his employer's trade or business". The inquiry should not be whether the act was done for the purposes of and in connection with the workman's job. If the answer to that inquiry is in the affirmative then by Section 1 (2) "the accident shall be deemed to arise out of and in the course of the employment" and the claim will succeed. Otherwise the claim will fail.

In the above case Viscount Maugham stated concisely in another form the questions which the County Court Judge will have to answer:

- (1) "Looking at the facts proved as a whole, including any regulations or orders affecting the workmen, was the accident one which arose out of and in the course of his employment"?

- (2) "If the first question is answered in the negative, is the negative answer due to the fact that when the accident happened the workman was acting in contravention of some regulation or order"?
- (3) "If the second question is answered in the affirmative was the act which the workman was engaged in performing done by the workman for the purposes of and in connection with his employer's trade or business"?

It was those three questions which the Commissioner thought he was obliged to answer in considering the first issue in this case and he answered those questions:—

- (1) No.
- (2) Yes.
- (3) No.

It has to be considered whether the Commissioner was right in proposing to himself those three questions.

The relevant provisions of our Ordinance are—

"Section 3.—If personal injury is caused to a workman by accident arising out and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Ordinance:

Provided that the employer shall not be so liable—

- (a)
- (b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—
 - (i)
 - (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
 - (iii)

If one adopts the method of approach suggested by Viscount Maugham in *Noble v. Southern Railway Co.* (*supra*) the Commissioner should have put to himself only the first two questions suggested by him as Section 3 (b) (ii) of our Ordinance does not render it necessary to consider whether or not the workman contravening any order was acting "for the purposes of and in connection with the employer's trade or business".

The Commissioner having answered those two questions, the first in the negative and the second in the affirmative, should have held in favour of the appellant. He misdirected himself when he proceeded to consider the third question formulated by Viscount Maugham which finds no place in a case governed by our Ordinance.

In going by the rope-sling instead of the net-sling Suppiah was, no doubt, disobeying his master's orders in that respect but he was not placing himself outside the scope of his employment. He was at the time engaged in performing his duty—going to the ship to have his name registered—and was not "engaged" in a frolic of his own under the pretence of doing his master's work. If the mere fact that at the time of the accident the workman was doing an act in wilful disobedience of the employer's order rendered the accident to be one not arising out of the employment, then the Legislature has failed to achieve its object in creating an exception in

Section 3 (b) in respect of claims arising from the death of a workman, because the success of every claim depends on the proof that the injury was caused by an accident arising out of the employment.

Adapting the line of reasoning the *Noble v. Southern Railway Co.* (*supra*) to cases under our Ordinance I am of opinion that the Commissioner should have approached the consideration of the first issue by asking himself first whether the accident arose out of the employment within the meaning of Section 3, ignoring the prohibition with regard to the use of the rope-sling. If he answered that question in the negative then the claim would fail (*vide Kelaart v. Piyadasa* (1942) 43 New Law Reports 394). If he answered that in the affirmative, then it did not matter that the deceased met with his death because he acted in wilful disobedience of the prohibition regarding the use of the rope-sling.

I set aside the order of the Commissioner and send the case back to him for the assessment of compensation. The appellant is entitled to costs of the proceedings before the Commissioner and the costs of appeal.

WORKMEN'S COMPENSATION CASE No. C3/48/49

S. C. No. 35

Appellant : (employer) A. DAVID MENDIS

Vs.

Respondent : (applicant) K. SIMON FERNANDO

Present : Basnayake, J.

Argued and decided on 6th February, 1950.

H. W. Jayawardena, for the Respondent-Appellant.

No appearance for the Applicant-Respondent.

BASNAYAKE, J.—This is an appeal from an order directing the respondent to deposit a sum of Rs. 3,500 as compensation under the Workmen's Compensation Ordinance. On the 7th December when the matter came up for trial before the Commissioner of Workmen's Compensation, the respondent was represented by his authorised representative, one E. M. de Zoysa, who had authority only to ask for a date for the inquiry. Recorded proceedings on that day reads as follows:—

“Present : K. S. Fernando—Applicant.

E. M. de Zoysa—approved representative for respondent.

Respondent admits that the deceased died as a result of an accident arising out of and in the course of his employment. Respondent also admits that his monthly wages fell in the group Rs. 100 to Rs. 200. Respondent also admits that the deceased was a workman as defined in the Ordinance. In view of the admissions I order the respondent to deposit Rs. 3,500 as compensation. Respondent to pay the taxed costs”.

Those admissions were made by a representative having authority from the respondent only to appear on his behalf at the inquiry and ask for a postponement. In these circumstances, the order based on admission made by a person who had no authority to make them on behalf of the respondent cannot be sustained. I therefore quash the proceedings and send the case back so that question arising on the application for compensation may be duly investigated.

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DECISIONS OF WAGES BOARDS

DECISIONS OF THE WAGES BOARD FOR THE COCONUT MANUFACTURING TRADE (MADE IN APRIL, 1949) AS VARIED SUBSEQUENTLY BY NEW DECISIONS

THE following decisions are applicable to the Trade consisting of activities of the Coconut Manufacturing Trade described in the notification under section 6 of the Ordinance published in *Government Gazette* No. 9,961 of March 30, 1949. The original decisions came into force on May 1, 1949, and the latest new decisions relating to an increase in the number of annual holidays came into force on March 1, 1950.

Part I

Direction under section 20 (2) (b)

The special allowance shall be computed and published once a month by the Commissioner of Labour.

The special allowance for a normal working day in any month shall be computed on the cost of living index number for the month immediately preceding that month.

Definition of a Normal Working Day (section 24)

The number of hours constituting a normal working day (inclusive of one hour for a meal) shall be—

- (a) for workers in the “Colombo area” engaged in the manufacture of desiccated coconut, in the manufacture of coconut oil or in the manufacture of fibre and coir products other than workers engaged in transporting husks to and from retting tanks—

	Hours
on a day except a Saturday ..	9
on a Saturday ..	7
(b) for other workers ..	9

In this paragraph “Colombo area” includes any place within 5 miles of the municipal limits of Colombo.

Part II

Minimum rates of wages for piece work applicable to certain processes in the activities of the Coconut Manufacturing Trade described in the notification under section 6 of the Ordinance for the time being in force.

Process	Rate
(1) In the manufacture of desiccated coconut :	
Husking nuts ..	90 cents per 1,000 nuts
Removing shells (hatchetting) ..	70 cents per 1,000 nuts
Removing parings ..	70 cents per 1,000 nuts
Washing coconut meat and disintegrating ..	55 cents per 1,000 pounds
Drying ..	90 cents per 1,000 pounds
Sifting and grading ..	65 cents per 1,000 pounds
Packing and stencilling ..	7 cents per case of 120 to 130 pounds

- (2) In the manufacture of fibre and coir products otherwise than as a cottage industry:

Crushing husks	..	60 cents per cwt. (wet weight of bristle fibre)
Breaking and cleaning husks	..	60 cents per cwt. (wet weight of bristle fibre)
Cleaning mattress fibre, drying and baling	..	20 cents per cwt.
Hanking bristle fibre and tying	..	Re. 1.05 per cwt.
Manufacture of mats and matting	..	Mats : 30 cents per square foot Matting : 10 cents per square yard
Hackling bristle fibre and tying	..	Rs. 2.25 per cwt.

Part III

The minimum rate of wages for time work shall consist of—

- (1) a basic rate, and
- (2) a special allowance, as set out hereunder, and shall be applicable in the case of activities of the coconut trade which are specified in column 1 to all processes other than the processes for which minimum rates of wages for piece work have been prescribed in Part II.

1 Activities	2 Basic Rate for a Normal Working Day	3 Rate of Special Allowance for a Normal Working Day in any Month
	<div style="display: flex; justify-content: space-around;"> <div>Within the Colombo Area Rs. c.</div> <div>Outside the Colombo Area Rs. c.</div> </div>	<p>Where the cost of living index number for the preceding month is 215, the special allowance shall be—</p> <p>for a male worker not under 18 years of age (including a kangany) .. 65 cents</p> <p>for a female worker not under 18 years of age .. 47 cents</p> <p>for a worker, irrespective of sex, under 18 years of age 40 cents</p> <p>Where the cost of living index number for the preceding month is above or below 215, the rate of the special allowance hereinbefore prescribed shall be increased or decreased, as the case may be, for each complete unit of 5 points by which the index number exceeds or falls short of 215 (no account being taken of any fraction of that unit) by an amount computed at the rates set out hereunder as illustrated in the table below* :—</p> <p>3 cents in the case of a male worker not under 18 years of age (including a kangany);</p> <p>2 cents in the case of a female worker not under 18 years of age ;</p> <p>2 cents in the case of a worker, irrespective of sex, under 18 years of age.</p>
(1) The manufacture of desiccated coconut	For a kangany .. 1 28 .. 1 3 For a worker other than a kangany— where such worker is a male not under 18 years of age .. 1 3 .. 0 78	
(2) The manufacture of coconut oil	where such worker is a female not under 18 years of age .. 0 77 .. 0 60	
(3) The manufacture of fibre and coir products	where such worker, irrespective of sex, is under 18 years of age .. 0 51 .. 0 39	
	* "Colombo area" includes any place within 5 miles of the municipal limits of Colombo	

* Tables illustrating the applications of the directions set out in column 3 above.

I—Special allowance in the event of a rise in the index number.

Index Numbers	Special Allowance		
	For a Male Worker not under 18 Years of Age (including a Kan- gany) Cents	For a Female Worker not under 18 Years of Age Cents	For a Worker (irrespective of sex) under 18 Years of Age Cents
215-219	65	47	40
220-224	68	49	42
225-229	71	51	44
230-234	74	53	46
235-239	77	55	48

II—Special allowance in the event of a fall in the index number.

Index Numbers	Special Allowance		
	For a Male Worker not under 18 Years of Age (including a Kan- gany)	For a Female Worker not under 18 Years of Age	For a Worker (irrespective of sex) under 18 Years of Age
	Cents	Cents	Cents
215-211 ..	65	47	40
210-206 ..	62	45	38
205-201 ..	59	43	36
200-196 ..	56	41	34
195-191 ..	53	39	32

Part IV

Overtime rate

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be the minimum hourly rate (ascertained by dividing the minimum daily rate by 8) increased by 25 per cent. of such minimum hourly rate.

Part V

Weekly holiday (section 24)

Every employer shall allow each Sunday as the weekly holiday to all workers employed under him:

Provided, however, that an employer may employ any worker on a Sunday, subject to the conditions—

- (1) that a day within the six days next succeeding such Sunday shall be allowed to that worker as a holiday,
- (2) that in respect of work done on a Sunday—
 - (a) a worker who has worked for nine hours (inclusive of one hour for a meal), or for any period that falls short of nine hours by reason of the failure of the employer to provide him with work, shall be paid at one and a half times the minimum rate of wages for a normal working day;
 - (b) a worker who has worked for less than nine hours (inclusive of one hour for a meal) by reason of his unwillingness to work, shall, for each hour that he has worked, be paid at one and a half times the hourly rate (ascertained by dividing the minimum rate of wages for a normal working day by eight); and
- (3) that no worker shall be employed on such Sunday for more than nine hours (inclusive of one hour for a meal).

The remuneration due to a worker for work done on the weekly holiday during any period shall be paid along with the wages payable for that period.

Annual Holidays (section 25)

1. (a) If a male worker, not under 18 years of age, has been in continuous employment and has worked under the same employer for more than 228 days in any year (hereinafter called the "qualifying year"), he shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of four

days by which the number of days on which the worker has worked exceeds 228: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 284 days.

(b) If a female worker or a worker (irrespective of sex) under 18 years of age has been in continuous employment and has worked under the same employer for more than 204 days in any year (hereinafter called the "qualifying year"), such worker shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of four days by which the number of days on which the worker has worked exceeds 204: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 260 days.

(c) If a male worker, not under 18 years of age has been in continuous employment and has hackled and tied for the same employer more than 9,576 pounds of bristle fibre in any year (hereinafter called the "qualifying year"), he shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of 180 pounds by which the number of pounds of bristle fibre hackled and tied by the worker exceeds 9,576 pounds.

Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any quantity of bristle fibre hackled and tied in excess of 12,096 pounds.

(d) If a female worker, or a worker (irrespective of sex) under 18 years of age, has been in continuous employment and has hackled and tied for the same employer more than 8,568 pounds of bristle fibre in any year (hereinafter called the "qualifying year"), such worker shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of 180 pounds by which the number of pounds of bristle fibre hackled and tied by the worker exceeds 8,568 pounds:

Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any quantity of bristle fibre hackled and tied in excess of 11,088 pounds.

In sub-paragraphs (a) and (b) of this paragraph "days on which the worker has worked" includes—

- (a) every holiday allowed by the employer to the worker under section 25 at any earlier time in any year under consideration;
- (b) every day of absence on any grounds approved by the employer;
- (c) every day of absence due to any injury to the worker caused by an accident arising out of and in the course of his employment;
- (d) every day of absence due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Cap. 117);
- (e) every day on which the employer fails to provide work for the worker;
- (f) every day of absence due to a strike or lockout that is not illegal provided such days do not in the aggregate exceed 30 days a year; and
- (g) every holiday or day of absence from work to which a worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance;

but shall not include the day fixed as the weekly holiday under section 24.

For the purposes of sub-paragraphs (c) and (d) of this paragraph, a worker shall be deemed to have hackled and tied 42 pounds of bristle fibre on—

- (a) every day allowed as a holiday by the employer to the worker under section 25 of the Wages Boards Ordinance, No. 27 of 1941, in any year under consideration;
- (b) every day on which the worker is absent on any grounds approved by the employer;
- (c) every day on which the worker is absent on account of any injury caused by an accident arising out of and in the course of his employment;
- (d) every day on which the worker is absent on account of any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Chapter 117);
- (e) every day on which the employer is unable or fails to supply raw materials sufficient for the worker to hackle and tie 42 pounds of bristle fibre;
- (f) every day on which the worker is absent on account of a strike or lockout that is not illegal, the number of such days not exceeding thirty;
- (g) every day of absence from work to which the worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance;

but not on the day fixed as the weekly holiday under section 24 of the Wages Boards Ordinance, No. 27 of 1941.

2. A worker shall be allowed his holiday or holidays on a day or days to be mutually agreed upon between him and his employer.

3. The remuneration for each holiday shall be the average daily wage of the worker obtained by dividing the total wage (excluding overtime) earned by the worker for the days on which he has actually worked in the last six months of the qualifying year by the number of such days.

4. Payment for the holiday or holidays shall be made before the commencement of such holiday or holidays.

5. Where a worker intends to leave his employment of his own accord, or is to be discontinued or dismissed from employment, on any date, he shall be entitled to take and shall take before that date—

- (a) every holiday which he was entitled to in respect of the last preceding year and which he has not already taken; and
- (b) where the worker has during the current year complied with the provisions relating to employment and work set out in paragraph 1, every holiday which, but for the termination of his employment, he would be entitled to in the next succeeding year;

and he shall be remunerated for such holidays in accordance with the provisions of paragraph 3 of these decisions.

6. In these paragraphs "year" means a continuous period of 12 months.

7. The foregoing decisions shall not apply in respect of employment at any time more than 12 months prior to the date on which the decisions come into force.

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DECISIONS OF THE WAGES BOARD FOR THE TODDY, ARRACK AND VINEGAR TRADE, MADE IN 1946 AND 1947

The following decisions are applicable to the trade consisting of the activities described in the notification under section 6 of the Ordinance published in *Government Gazette* No. 9,312 of September 22, 1944, as varied by the notification published in *Gazette* No. 9,485 of November 9, 1945. The original decisions relating to rates of wages have been in force from 1946. The decisions relating to annual holidays came into force from March 1, 1947.

Part I

Definition of a normal working day applicable to the workers specified in Part III (section 24)

The number of hours constituting a normal working day shall be nine (inclusive of one hour for a meal).

Part II

Minimum rates of wages for piece work applicable to certain processes in the Toddy, Arrack and Vinegar Trade.

<i>Process</i>	<i>Rate</i>
Coupling trees	50 cents for each coupling
Changing ropes	25 cents for each coupling
Cutting and removing ropes	20 cents for each coupling
Laddering trees	Rs. 25 for each tope, not exceeding 110 trees
Tapping trees for supplying toddy to taverns—	
in the Western Province or the Galle District	51 cents for each gallon of toddy delivered by worker
in the Chilaw District	54 cents for each gallon of toddy delivered by worker
in the Nuwara Eliya or Kandy District	61 cents for each gallon of toddy delivered by worker
Tapping trees for supplying toddy to taverns—	
in the Matara, Jaffna or Matale District	67 cents for each gallon of toddy delivered by worker
in the Puttalam, Badulla, Ratnapura, Amunradhapura, Kurunegala, Kegalla or Hambantota District	72 cents for each gallon of toddy delivered by worker
in the Trincomalee, Batticaloa, Mannar or Mullaitivu District	Re. 1.00 for each gallon of toddy delivered by worker
Tapping trees for supplying toddy to distilleries or for the manufacture of vinegar	34 cents for each gallon of toddy delivered by worker
Tapping spadices for supplying toddy to distilleries or for the manufacture of vinegar	Rs. 45.00 for 80–120 trees
Tapping spadices for supplying toddy to taverns	Rs. 45.00 for 25–40 trees

The application of the foregoing rates for tapping trees shall, in every case where a worker is employed in tapping toddy for the arrack trade or for the manufacture of vinegar, be subject to the condition that the toddy delivered by him contains not less than 7.5 per centum alcohol by volume. Where, however, such toddy contains less than 7.5 per centum alcohol by volume, the worker who delivered it shall be paid an amount which bears to the rate specified above the proportion which the percentage of alcohol in that toddy bears to 7.5.

Part III

Minimum rates of wages for time work applicable to the workers specified in column 1 shall be the corresponding rates set out in column 2.

In any month where the period of unauthorized absence of a worker exceeds four days, he shall be paid as wages for that month an amount which bears to the minimum monthly rate the proportion which the number of days work increased by 4 bears to 30.

1 Class of Workers	Rs. c.	2 Rate
Workers employed in—		
the work of tope kangany ..	100	0 for each month
the work of toddy tavern watcher ..	50	0 for each month
the work of tope watcher ..	40	0 for each month
the work of collecting station manager ..	60	0 for each month
the work of selling toddy at taverns ..	60	0 for each month
the work of selling arrack at taverns ..	60	0 for each month
collecting toddy from trees (including the operations of transporting, loading, unloading toddy and washing barrels, toddy vats, utensils and other vessels) in the toddy section of the trade	70	0 for each month
collecting toddy from trees (including the operation of transporting) in the arrack section of the trade)	35	0 for each month
distilling toddy at distillery ..	60	0 for each month
the work of unskilled labourers engaged in chopping and splitting firewood; cleaning and washing barrels, wash backs, stills and other vessels at distilleries; transporting, loading and unloading arrack; measuring arrack; bottling, corking and labelling arrack bottles; bottling and corking toddy bottles; making vinegar; bottling, corking and labelling vinegar bottles; and transporting vinegar for distribution—		
(a) for a male worker not under 16 years of age	1	70 for each normal working day
(b) for a male worker under 16 years of age ..	1	13 for each normal working day
(c) for a female worker not under 16 years of age	1	30 for each normal working day
(d) for a female worker under 16 years of age	0	87 for each normal working day

Part IV

Overtime Rate

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be the minimum hourly rate (ascertained by dividing the minimum monthly rate by 240 or the minimum daily rate by 8, as the case may be) increased by 25 per cent. of such minimum hourly rate.

Annual holidays (section 25)

1. (1) If a worker has been in continuous employment and has worked under the same employer for at least 180 days in any year, he shall be allowed 5 holidays in the next succeeding year.

(2) If a worker has been in continuous employment and has worked under the same employer for more than 180 days in any year he shall in addition be allowed in the next succeeding year one holiday for each unit of 12 days by which the number of days on which the worker has worked exceeds 180 days. Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 336 days.

In this paragraph, "days on which the worker has worked" includes—

- (a) every holiday allowed by the employer to the worker under section 25;
- (b) every day of absence on any grounds approved by the employer other than absence from the Island except on a holiday allowed by the employer under section 25;
- (c) every day of absence due to any injury to the worker caused by an accident arising out of and in the course of his employment, provided such injury has been notified to the employer;
- (d) every day of absence due to the disease of anthrax or due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Chapter 117);
- (e) every day on which the employer fails to provide work for the worker;
- (f) every day of absence due to a strike or lockout that is not illegal, in case such days do not in the aggregate exceed 30 days a year;
- (g) every holiday or day of absence from work to which a worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance.

2. (1) If a worker is entitled in any year to five holidays he shall be allowed, and he shall take, those five holidays on consecutive days.

(2) If a worker is entitled in any year to more than five holidays he shall be allowed, and he shall take, at least five of those holidays on consecutive days.

3. Subject to the provisions of paragraphs 2 and 6, a worker shall be allowed his holiday or holidays on a day or days to be mutually agreed upon between him and his employer.

4. (1) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 1 (including a holiday which such worker is entitled to under that paragraph read with paragraph 6 (a)), by reason of work performed during the preceding year, shall be—

- (a) in the case of a worker engaged in tapping trees, the appropriate minimum piece rate payable for 10 gallons of toddy, and
- (b) in the case of any other worker, his average daily wages ascertained by dividing the total wages (exclusive of overtime and bonuses) earned by him in respect of the days on which he has actually worked in that year by the number of such days.

(2) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 6 (b), by reason of work performed during the current year, shall be—

- (a) in the case of a worker engaged in tapping trees, the appropriate minimum piece rate payable for 10 gallons of today, and
- (b) in the case of any other worker, his average daily wages ascertained by dividing the total wages (exclusive of overtime and bonuses) earned by him in respect of the days on which he has actually worked in that year by the number of such days.

5. The remuneration due to a worker in respect of his holiday or holidays shall be paid to him before such holiday or holidays but not earlier than 7 days before such holiday or holidays.

6. Where a worker intends to leave his employment of his own accord or is to be discontinued or dismissed from employment, such worker shall be entitled to take and shall take, during the period immediately preceding such leaving, discontinuance or dismissal—

(a) every holiday that he was entitled to in respect of the previous year which he has not already taken; and

(b) in case the worker has during the current year complied with the provisions relating to employment and work set out in paragraph 1, every holiday that he would have otherwise been entitled to in the next succeeding year;

and he shall be remunerated for such holidays in accordance with the provisions of paragraph 4:

Provided, however, that the total number of holidays that such a worker might take in any year shall not exceed 21.

7. In these paragraphs, "year" means a continuous period of 12 months.

8. The foregoing decisions shall not apply in respect of employment at any time more than 12 months prior to the date on which the decisions come into force.

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TABLE I—COST OF LIVING INDEX NUMBERS—COLOMBO WORKING CLASS

Base : November, 1938-April, 1939=100

GROUPS OF HOUSEHOLD EXPENDITURE

Year	Food	Fuel and Light	Rent	Clothing	Miscel- laneous	Final Index Number
Group Weights	52.40 ..	6.28 ..	15.96 ..	8.36 ..	17.00 ..	(Nov. 1938-Apr. 1939 = 100)

INDEX NUMBERS

Base : November, 1938-April, 1939 = 100

1939	..	112 ..	102 ..	97 ..	112 ..	104 ..	108
1940	..	115 ..	103 ..	97 ..	128 ..	111 ..	112
1941	..	129 ..	108 ..	96 ..	153 ..	116 ..	122
1942	..	183 ..	171 ..	93 ..	194 ..	144 ..	162

Base : November, 1942 = 100

Index
Number
Nov., 1942
= 100

Group Weights	63.66 ..	7.26 ..	7.06 ..	8.78 ..	13.24		
1943	..	103 ..	94 ..	105 ..	138 ..	118 ..	107 .. 197
1944	..	102 ..	94 ..	105 ..	156 ..	127 ..	109 .. 200
1945	..	110 ..	94 ..	112 ..	165 ..	158 ..	121 .. 221
1946	..	113 ..	111 ..	124 ..	180 ..	155 ..	125 .. 228
1947	..	126 ..	121 ..	136 ..	213 ..	157 ..	138 .. 252
1948	..	138 ..	101 ..	148 ..	189 ..	157 ..	142 .. 260
1949	..	144 ..	97 ..	128 ..	156 ..	148 ..	141 .. 258
January	..	147 ..	99 ..	129 ..	174 ..	143 ..	144 .. 263
February	..	145 ..	98 ..	129 ..	166 ..	146 ..	143 .. 261
March	..	143 ..	98 ..	129 ..	160 ..	145 ..	140 .. 257
April	..	141 ..	96 ..	126 ..	160 ..	149 ..	140 .. 255
May	..	141 ..	96 ..	129 ..	155 ..	148 ..	139 .. 254
June	..	141 ..	96 ..	129 ..	156 ..	150 ..	140 .. 255
July	..	142 ..	96 ..	120 ..	153 ..	151 ..	140 .. 256
August	..	142 ..	96 ..	129 ..	149 ..	152 ..	140 .. 256
September	..	143 ..	96 ..	129 ..	146 ..	151 ..	140 .. 256
October	..	146 ..	96 ..	129 ..	150 ..	148 ..	142 .. 259
November	..	148 ..	96 ..	129 ..	152 ..	149 ..	143 .. 262
December	..	149 ..	96 ..	129 ..	153 ..	148 ..	144 .. 264

1950—

January	..	155 ..	96 ..	129 ..	152 ..	151 ..	148 .. 271
February	..	154 ..	97 ..	129 ..	150 ..	155 ..	148 .. 271

TABLE II—COST OF LIVING INDEX NUMBERS—ESTATE LABOUR

Base : July-September, 1939 = 100

GROUPS OF HOUSEHOLD EXPENDITURE

Year	Food	Clothing	Fuel and Light	Miscellaneous	Final Index Number
Group weights	64	12	8	16	(July-Sept. 1939 = 100)

INDEX NUMBERS

Base : July-September, 1939 = 100

1939	100	100	100	100	100
1940	106	113	107	105	107
1941	119	126	108	115	119
1942	160	139	117	135	154

Base : October, 1942 = 100

Index Number
October, 1942
= 100

Group weights	701	119	14	166	
1943	108	149	104	116	115
1944	110	202	105	114	122
1945	115	196	104	137	128
1946	118	214	106	131	131
1947	124	220	112	139	138
1948	142	224	112	128	149
1949	154	182	111	126	152
January	157	202	112	117	155
February	154	199	112	121	153
March	158	197	112	126	159
April	153	197	112	127	153
May	152	189	112	125	151
June	151	188	112	124	150
July	152	187	112	126	151
August	151	176	112	128	150
September	153	168	108	131	150
October	154	164	108	*120	150
November	157	159	108	132	152
December	160	160	108	125	153

1950—

January	165	160	108	127	157
February	168	155	108	134	160

TABLE III—UNEMPLOYMENT

Table showing the number of Persons unemployèd according to Registers maintained at the Employment Exchanges in the Island

<i>Years</i>	<i>Technical and Clerical</i>	<i>Skilled</i>	<i>Semi- skilled</i>	<i>Unskilled</i>	<i>Total</i>
1939 ..	3,712 ..	14,964 ..	5,034 ..	5,967 ..	26,677
1940 ..	4,734 ..	13,130 ..	4,800 ..	4,981 ..	27,645
1941 ..	5,274 ..	8,882 ..	2,351 ..	3,951 ..	20,458
1942 ..	6,589 ..	9,411 ..	1,882 ..	1,451 ..	19,333
1943 ..	2,282 ..	2,872 ..	1,312 ..	1,869 ..	8,335
1944* ..	295 ..	358 ..	227 ..	173 ..	1,053
1945 ..	2,258 ..	11,025 ..	3,267 ..	4,816 ..	21,366
1946 ..	5,636 ..	10,012 ..	7,527 ..	13,369 ..	36,544
1947 ..	2,883 ..	7,325 ..	8,113 ..	16,423 ..	34,744
1948 January	3,290 ..	7,823 ..	8,956 ..	18,677 ..	38,746
February	3,419 ..	7,885 ..	9,352 ..	19,737 ..	40,393
March	3,864 ..	3,442 ..	10,281 ..	21,673 ..	44,260
April	4,025 ..	8,728 ..	10,831 ..	21,831 ..	45,415
May	3,805 ..	9,039 ..	10,892 ..	22,798 ..	46,534
June	3,901 ..	9,932 ..	11,175 ..	24,793 ..	49,801
July	4,030 ..	10,834 ..	11,863 ..	27,987 ..	54,714
August	4,044 ..	11,911 ..	11,547 ..	31,123 ..	58,625
September	4,309 ..	12,639 ..	12,056 ..	35,837 ..	64,841
October	4,387 ..	13,101 ..	12,053 ..	36,465 ..	66,006
November	4,378 ..	13,103 ..	12,357 ..	36,331 ..	66,169
December	4,474 ..	13,027 ..	12,443 ..	36,712 ..	66,656
1949 January	4,946 ..	12,423 ..	12,754 ..	36,691 ..	66,814
February	5,361 ..	12,263 ..	12,887 ..	36,765 ..	67,276
March	5,701 ..	12,400 ..	13,788 ..	36,488 ..	68,377
April	5,698 ..	12,233 ..	13,601 ..	36,264 ..	67,796
May	5,340 ..	11,825 ..	13,311 ..	35,505 ..	65,981
June	5,289 ..	12,176 ..	13,523 ..	37,413 ..	68,401
July	5,180 ..	12,251 ..	13,913 ..	38,845 ..	70,189
August	5,155 ..	12,382 ..	13,788 ..	39,057 ..	70,382
September	5,139 ..	12,174 ..	13,642 ..	36,707 ..	67,662
October	5,135 ..	12,014 ..	13,309 ..	37,341 ..	67,799
November	5,077 ..	12,120 ..	13,665 ..	39,027 ..	69,889
December	5,132 ..	11,994 ..	13,591 ..	39,015 ..	69,732
1950 January	5,484 ..	11,896 ..	13,794 ..	39,104 ..	70,278

* Up to 1944 there was only one Employment Exchange in Colombo. In 1945 Exchanges were opened in all the principal towns of the Island.

TABLE IV—UNEMPLOYMENT

Table showing the number of Persons Unemployed according to Registers maintained at the Employment Exchanges

Classification by Exchange Areas

Years	Colombo	Negombo	Kalutara	Galle	Kandy	Nawalapitiya	Karagoda	Jaffna	Ratnapura	Badulla	Batticaloa	Trincomalee	Total
1939	26,677	—	—	—	—	—	—	—	—	—	—	—	26,677
1940	27,645	—	—	—	—	—	—	—	—	—	—	—	27,645
1941	20,458	—	—	—	—	—	—	—	—	—	—	—	20,458
1942	19,333	—	—	—	—	—	—	—	—	—	—	—	19,333
1943	8,335	—	—	—	—	—	—	—	—	—	—	—	8,335
1944	1,053	—	—	—	—	—	—	—	—	—	—	—	1,053
1945	10,784	378	2,128	1,230	2,363	259	431	841	120	46	65	1,497	21,396*
1946	25,805	1,117	808	993	3,397	726	352	816	119	438	727	611	36,544*
1947	21,589	2,289	1,643	2,133	4,955	564	430	481	170	400	—	—	34,744
1948-1949	42,209	7,235	2,414	3,995	4,577	1,066	851	1,526	607	704	1,180	283	66,656
1949 Jan.	40,604	7,903	2,561	4,005	5,273	1,095	877	1,729	617	761	1,091	298	60,814
Feb.	40,252	8,100	2,679	4,056	5,222	1,131	1,139	1,684	612	673	1,413	306	67,276
Mar.	39,801	8,839	2,934	4,173	5,523	1,025	1,164	2,035	579	624	1,380	315	63,877
Apr.	39,587	8,702	3,050	4,130	4,970	1,031	1,195	2,084	857	607	1,236	338	67,796
May	38,524	8,125	3,502	4,158	4,569	1,085	1,077	2,024	920	660	882	335	65,981
Jun.	40,269	7,978	4,156	4,739	4,726	837	864	2,037	965	651	772	407	68,401
Jul.	41,588	7,511	4,551	5,129	4,980	856	985	1,979	928	684	671	377	70,189
Aug.	43,246	6,822	4,686	5,372	3,819	922	987	2,057	759	618	606	398	70,382
Sep.	41,707	6,354	4,466	5,259	3,447	948	1,180	2,022	707	582	572	419	67,662
Oct.	42,749	5,771	4,003	5,443	3,390	939	1,113	2,079	715	623	571	493	67,789
Nov.	44,123	5,518	4,107	5,689	3,516	930	1,006	2,079	726	1,028	611	561	69,589
Dec.	44,552	5,041	4,125	5,429	3,195	953	1,052	2,185	727	1,170	607	596	69,732
1950 Jan.	43,323	5,331	4,344	5,405	4,012	965	1,002	2,301	708	1,379	744	764	70,278

* Total includes 127 registered at Matugama, 164 at Chilaw, 272 at Matala, 97 at Avissawella, and 555 at Veyangoda.

† Total includes 141 registered at Matugama, 254 at Chilaw, and 240 at Avissawella.
(These Exchanges functioned only during 1945 and 1946.)

TABLE V—UNEMPLOYMENT

Table showing the number of Unemployed Persons placed in employment since 1939

Years		Technical and Clerical	Skilled	Semi-Skilled	Unskilled	Total
1939	..	—	—	—	—	2,583
1940	..	—	—	—	—	5,089
1941	..	—	—	—	—	9,071
1942	..	—	—	—	—	8,129
1943	..	—	—	—	—	4,170
1944	..	—	—	—	—	1,875
1945	..	369	1,104	411	2,653	4,537
1946	..	1,303	3,012	1,341	10,130	15,786
1947	..	915	1,417	911	4,161	7,404
1948	..	1,355	1,563	1,311	6,118	10,347
1949	..	1,807	1,616	1,767	9,590	14,780
1949	January	158	185	139	585	1,067
	February	127	117	102	375	721
	March	185	209	171	600	1,165
	April	103	134	146	542	925
	May	199	190	195	966	1,550
	June	143	91	142	823	1,199
	July	152	97	171	1,536	1,956
	August	143	132	154	1,542	1,971
	September	122	100	139	795	1,156
	October	107	106	105	754	1,072
	November	204	136	171	541	1,052
	December	164	119	132	531	946
1950	January	114	136	125	442	817

TABLE VI—UNEMPLOYMENT

Table showing the number of Unemployed Persons registered and the number placed in employment during the Month of January, 1950.

Employment Exchange	Technical and Clerical		Skilled		Semi-skilled		Unskilled		Total	
	Regd.	Placed	Regd.	Placed	Regd.	Placed	Regd.	Placed	Regd.	Placed
Central (Colombo)	588	84	619	73	579	51	1,831	220	3,617	428
Negombo	38	2	131	53	108	20	782	82	1,059	157
Kalutara	62	—	98	1	202	4	414	33	776	37
Galle	88	6	86	—	137	8	302	8	613	22
Kandy	109	1	158	—	380	3	666	63	1,313	67
Nawalapitiya	1	—	6	—	29	—	73	3	109	3
Kurunegala	29	2	12	—	54	6	51	1	146	8
Jaffna	114	5	60	5	176	4	134	5	484	19
Ratnapura	14	2	12	—	33	1	34	10	93	13
Badulla	50	1	67	5	106	7	129	16	352	29
Batticaloa	30	4	48	—	44	2	124	—	246	6
Trincomalee	22	—	30	—	42	3	54	1	148	4
Women's	155	7	29	—	60	17	167	—	411	24
Total	1,800	114	1,356	136	1,950	125	4,761	442	9,367	817

TABLE VII—STRIKES IN CEYLON SINCE 1939

Year	Plantations			Others		
	Number of Strikes	Number of Workers Involved	Number of Man-days Lost	Number of Strikes	Number of Workers Involved	Number of Man-days Lost
1939	42	Not available	Not available	5	Not available	Not available
1940	36	9,732*	do	8	do	do
1941	27	4,156	do	15	do	do
1942	8	949	do	14	do	do
1943	22	2,436	5,234	31†	4,550	4,359
1944	26	3,648	4,048‡	66	12,399	25,937
1945	28	3,514	4,285	55	28,875	153,388‡
1946	87	15,259	31,830‡	60	39,237	250,866
1947	53	11,849	199,657	52	43,485	544,174
1948	32	4,516	31,849‡	20	1,065	2,407‡
1949	66	477,412	681,340	28	2,874	14,576‡
1948 January	Nil	Nil	Nil	2	18	20
February	3	183	187	2	25	34
March	5	797	1,839	4	328	311‡
April	Nil	Nil	Nil	Nil	Nil	Nil
May	1	50	50	Nil	Nil	Nil
June	2	530	880	Nil	Nil	Nil
July	2	713	3,197	Nil	Nil	Nil
August	3	196	3,892	1	42	336
September	3	295	574	5	139	165‡
October	4	309	1,046‡	2	282	1,506
November	6	1,074	6,746	1	179	85‡
December	3	369	12,938	3	52	39
1949 January	4	11,207‡	12,146	4	380	1,516‡
February	1	450	450	2	90	123
March	2	522	40,073	5	138	218‡
April	2	515	4,203	2	855	995
May	2	386	386	3	187	256‡
June	4	1,146	2,586	—	—	—
July	7	432,384§	432,832	2	248	6,800
August	6	3,874||	21,217	4	311	1,870
September	6	16,597¶	17,114	1	79	305
October	14	2,403	6,991	3	516	2,076
November	5	1,892	81,231	1	24	57
December	13	6,036	62,111	1	46	230

* Number of workers involved in one strike is not available.

† Number of workers involved and man-days lost in respect of one strike are not available.

‡ Includes a one-day token strike on 22 estates in the Gampola and Pussellawa Districts in sympathy with strikers on Melfort Estate.

§ Includes two island-wide token strikes on July 15 and 22, as a protest against the removal of the Rubber Growing and Manufacturing Trade from the decisions of the Wages Board.

|| Includes stoppage of work on five estates on Indian Independence Day.

¶ Includes two token strikes.

Note.—The number of strikes shown against each month relate to the number of strikes that ended during the month.

**TABLE VIII—CLASSIFICATION OF THE STRIKES IN
DECEMBER, 1949, BY INDUSTRIES OR TRADES**

<i>Industry or Trade</i>	<i>Number of Strikes</i>	<i>Number of Workers Involved</i>	<i>Number of Man-days Lost</i>
Plantations—Tea	8	5,330	60,156
Rubber	5	706	1,955
Coconut	—	—	—
Total	13	6,036	62,111
Engineering	—	—	—
Printing	—	—	—
Motor Transport	—	—	—
Tea Export	—	—	—
Rubber Export	—	—	—
Coconut Manufacturing	1	46	230
Toddy Arrack and Vinegar	—	—	—
Match Manufacturing	—	—	—
Plumbago	—	—	—
Cinema	—	—	—
Dock, Harbour and Port Transport	—	—	—
Local Government Services	—	—	—
Service Institutions	—	—	—
Government Institutions	—	—	—
Textile	—	—	—
Relief Schemes	—	—	—
Total	14	6,082	62,341

**TABLE IX—CLASSIFICATION OF THE STRIKES IN
DECEMBER, 1949, BY CAUSES**

<i>Cause</i>	<i>Number of Strikes</i>		<i>Number of Workers Involved</i>	
	<i>Plantation</i>	<i>Others</i>	<i>Plantation</i>	<i>Others</i>
1. Dismissal or loss of employment in any way. Failure to provide work	1	—	148	—
2. Wage increases. Higher rates for piece work, &c.	—	—	—	—
3. Other wage disputes (e.g., delay in payment, cash advances, &c.)	4	—	573	—
4. Estate rules, working arrangements, dis- cipline, disputes with sub-staff, &c.	1	—	20	—
5. Food matters. Welfare	—	—	—	—
6. Right of association and meeting	—	—	—	—
7. Factional disputes and domestic matters	—	—	—	—
8. External matters, e.g., arrest by Police, immorality, &c.	—	1	—	46
9. Assaults by employer or agent or others	1	—	257	—
10. General demands	—	—	—	—
11. Sympathetic strikes	6	—	5,038	—
Total	13	1	6,036	46

**TABLE X—ARRIVALS AND DEPARTURES OF INDIAN
ESTATE LABOURERS**

Years	Arrivals			Departures			Excess of	
	Old	New	Total	Repatria- tion on Govt. Account	Left Ceylon Un- assisted	Total	Arrivals over De- partures	Excess of De- partures over Arrivals
1939	.. 25,425..	3,834..	29,259..	2,975..	31,714..	34,689..	—	.. 5,430
1940	.. 2,955..	363..	3,318..	5,560..	12,578..	18,138..	—	.. 14,820
1941	.. 3,234..	350..	3,584..	8,410..	11,243..	19,653..	—	.. 16,069
1942	.. 6,585..	229..	6,814..	5,398..	33,183..	38,581..	—	.. 31,767
1943	.. 42,677..	2,076..	44,753..	1,368..	59,577..	60,945..	—	.. 16,192
1944	.. 49,354..	2,623..	51,977..	786..	59,683..	60,469..	—	.. 8,492
1945	.. 82,598..	3,844..	86,442..	572..	85,428..	86,000..	442..	—
1946	.. 75,269..	3,325..	78,594..	282..	75,657..	75,939..	2,655..	—
1947	.. 52,177..	2,400..	54,577..	242..	58,381..	58,623..	—	.. 4,046
1948	.. 47,621..	2,926..	50,547..	151..	47,115..	47,266..	3,281..	—
1949	.. 42,188..	2,237..	44,425..	302..	46,538..	46,840..	—	.. 2,415
1949 January	.. 1,498..	138..	1,636..	5..	3,533..	3,538..	—	.. 1,902
February	.. 2,340..	151..	2,491..	14..	5,417..	5,431..	—	.. 2,940
March	.. 4,039..	202..	4,241..	18..	5,540..	5,558..	—	.. 1,317
April	.. 4,249..	195..	4,444..	16..	5,579..	5,595..	—	.. 1,151
May	.. 5,041..	198..	5,239..	49..	6,150..	6,199..	—	.. 960
June	.. 5,578..	238..	5,816..	32..	5,223..	5,255..	561..	—
July	.. 5,626..	208..	5,834..	44..	2,613..	2,657..	3,177..	—
August	.. 3,437..	244..	3,681..	39..	3,444..	3,483..	198..	—
September	.. 3,416..	230..	3,646..	35..	3,037..	3,072..	574..	—
October	.. 2,482..	94..	2,576..	21..	2,166..	2,187..	389..	—
November	.. 2,650..	206..	2,856..	22..	1,858..	1,880..	976..	—
December	.. 1,832..	133..	1,965..	7..	1,978..	1,985..	—	.. 20
1950 January	.. 1,146..	72..	1,218..	29..	4,205..	4,234..	—	.. 3,016

APPENDIX I

Statement showing the minimum rates of wages payable to Workers in different trades for which Wages Boards have been established

Month: March, 1950.

<i>Class of Worker</i>	<i>Basic Wage Rs. c.</i>	<i>Special Allowance Rs. c.</i>	<i>Total Rs. c.</i>
Tea Growing and Manufacturing Trade.			
<i>Daily Rates.</i>			
Male worker not under 16 years ..	0 75 ..	1 3 ..	1 78
Female worker not under 15 years ..	0 60 ..	0 78 ..	1 38
Child worker ..	0 50 ..	0 71 ..	1 21
Cocoa, Cardamom and Pepper Growing and Manufacturing Trade.			
<i>Daily Rates.</i>			
Male worker not under 16 years ..	0 58 ..	1 3 ..	1 61
Female worker not under 15 years ..	0 46 ..	0 78 ..	1 24
Child worker ..	0 41 ..	0 71 ..	1 12
Rubber Growing and Manufacturing Trade.			
<i>Daily Rates.</i>			
Male worker not under 16 years ..	0 58 ..	1 3 ..	1 61
Female worker not under 15 years ..	0 46 ..	0 78 ..	1 24
Child worker ..	0 41 ..	0 71 ..	1 12
Coconut Growing and Manufacturing Trades.			
<i>Daily Rates.</i>			
The raising and maintenance of a coconut plantation; and			
The manufacture of copra—			
Kangany ..	0 78 ..	1 1 ..	1 79
Male not under 18 years ..	0 60 ..	1 1 ..	1 61
Female not under 18 years ..	0 45 ..	0 71 ..	1 16
Worker under 18 years ..	0 35 ..	0 64 ..	0 99
The manufacture of desiccated coconut;			
The manufacture of coconut oil; and			
The manufacture of fibre and coir products—			
Within the Colombo area—			
Kangany ..	1 28 ..	1 1 ..	2 29
Male not under 18 years ..	1 3 ..	1 1 ..	2 4
Female not under 18 years ..	0 77 ..	0 71 ..	1 48
Worker under 18 years ..	0 51 ..	0 64 ..	1 15
Outside the Colombo area—			
Kangany ..	1 3 ..	1 1 ..	2 4
Male not under 18 years ..	0 78 ..	1 1 ..	1 79
Female not under 18 years ..	0 60 ..	0 71 ..	1 31
Worker under 18 years ..	0 39 ..	0 64 ..	1 3
" Colombo area " includes any place within 5 miles of the Municipal limits of Colombo.			
Piece rates have been fixed for certain processes.			
Engineering Trade.			
<i>Daily Rates.</i>			
Unskilled labourer ..	1 24 ..	1 4 ..	2 28
Semi-skilled, Grade I ..	1 44 ..	1 14 ..	2 58
Semi-skilled, Grade II ..	1 28 ..	1 14 ..	2 42
Skilled worker ..	1 80 ..	1 14 ..	2 94
Kangany ..	1 60 ..	1 14 ..	2 74
Watcher ..	1 50 ..	1 14 ..	2 64

Month : March, 1950.

<i>Class of Worker</i>	<i>Basic Wage</i> Rs. c.	<i>Special Allowance</i> Rs. c.	<i>Total</i> Rs. c.
<i>Trade Learners and Apprentices.</i>			
1st year	0 40	0 34	0 74
2nd year	0 56	0 42	0 98
3rd year	0 72	0 64	1 36
4th year	0 96	0 76	1 72
Printing Trade.			
<i>Monthly Rates.</i>			
Class A worker	100 0	68 0	168 0
B "	75 0	51 0	126 0
C "	50 0	42 50	92 50
D "	40 0	34 0	74 0
E "	37 50	31 91	69 41
F "	18 0	15 30	33 30
G "	40 0	34 0	74 0
Class A 1st year learner	30 0	20 40	50 40
B "	22 50	15 30	37 80
C "	20 0	17 0	37 0
D "	16 0	13 60	29 60
Class A 2nd year learner	40 0	27 20	67 20
B "	37 50	25 50	63 0
C "	25 0	21 18	46 18
D "	20 0	17 0	37 0
Class A 3rd year learner	50 0	34 0	84 0
B "	45 0	30 60	75 60
C "	30 0	25 50	55 50
D "	24 0	20 40	44 40
Class A 4th year learner	65 0	44 20	109 20
B "	56 25	38 18	94 43
C "	37 50	31 91	69 41
D "	30 0	25 50	55 50
Class A 5th year learner	80 0	54 40	134 40

Cigar Trade.

A piece rate of Rs. 4.60 has been fixed for every 1,000 cigars rolled.

Plumbago Trade.

Daily Rates.

Underground workers—

Basses	2 75	1 3	3 78
Kanganies	2 25	1 3	3 28
Loaders	2 8	1 3	3 11
Overseers	2 0	1 3	3 3
Shift bosses	1 50	1 3	2 53
Blasters			
Drillers (hand and machine)			
Shaft drivers			
Stoppers (excavators)			
Timber men			
Muckers			
Trolley men			
Unskilled labourers			

Underground and surface workers—

Electricians	2 50	1 3	3 53
Enginemen	2 25	1 3	3 28
Fitters	2 0	1 3	3 3
Hoistmen	1 50	1 3	2 53
Mechanics			
Pumpmen			
Winchmen			
Checkers			
Bakkikarayas			
Electricians (assistants)			
Fitters (assistants)			
Windlassmen (dabare workers)			

Month : March, 1950.

<i>Class of Worker</i>	<i>Basic Wage</i> <i>Rs. c.</i>	<i>Special Allowance</i> <i>Rs. c.</i>	<i>Total</i> <i>Rs. c.</i>
Surface workers—			
Carpenters }	2 50 ..	1 3 ..	3 53
Masons }	2 25 ..	1 3 ..	3 28
Overseers	2 0 ..	1 3 ..	3 3
Blacksmiths }	1 60 ..	1 3 ..	2 63
Boilermen }	1 50 ..	1 3 ..	2 53
Drill sharpeners }	1 24 ..	1 3 ..	2 27
Firewood carriers and splitters			
Carters }			
Watchers }			
Cooks }			
Smithy boys }			
Unskilled labourers }			

N. B.—Workers under 18 years of age performing any of the above tasks are entitled to a special allowance of only 71 cents.

Workers employed in curing and dressing—

(A) As overseers and kunganies	2 0 ..	1 3 ..	3 3
(B) On different jobs—			

Within the Colombo area—

Male worker not under 18 years	1 25 ..	1 3 ..	2 28
Female worker not under 18 years	0 87 ..	0 78 ..	1 65
Worker under 18 years	0 50 ..	0 71 ..	1 21

Outside the Colombo area—

Male worker not under 18 years	1 0 ..	1 3 ..	2 3
Female worker not under 18 years	0 70 ..	0 78 ..	1 48
Worker under 18 years	0 40 ..	0 71 ..	1 11

“Colombo area” includes any place within 5 miles of the Municipal limits of Colombo

Tea Export Trade.

Daily Rates.

A. Male workers not under 18 years—

(a) Grade II	1 24 ..	1 4 ..	2 28
(b) Intermediate Grade	1 40 ..	1 14 ..	2 54
(c) Grade I	1 60 ..	1 14 ..	2 74
(d) Box makers and repairers	1 40 ..	1 14 ..	2 54
(e) Watchers	1 50 ..	1 14 ..	2 64

B. Female workers not under 18 years

.. .. .	1 0 ..	0 92 ..	1 92
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C. Workers over 14 years but under 15 years

.. .. .	0 60 ..	0 58 ..	1 18
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“ 15 ”	0 70 ..	0 63 ..	1 33
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“ 16 ”	0 80 ..	0 68 ..	1 48
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“ 17 ”	1 0 ..	0 78 ..	1 78
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Rubber Export Trade.

Daily Rates.

A. Male workers not under 18 years—

(a) Grade II	1 24 ..	1 4 ..	2 28
(b) Intermediate Grade	1 40 ..	1 14 ..	2 54
(c) Grade I	1 60 ..	1 14 ..	2 74
(d) Watchers	1 50 ..	1 14 ..	2 64

B. Female workers not under 18 years

.. .. .	1 0 ..	0 92 ..	1 92
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C. Workers over 14 years but under 15 years

.. .. .	0 60 ..	0 58 ..	1 18
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“ 15 ”	0 70 ..	0 63 ..	1 33
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“ 16 ”	0 80 ..	0 68 ..	1 48
----------------	---------	---------	------

“ 17 ”	1 0 ..	0 78 ..	1 78
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Month : March, 1950.

<i>Class of Worker</i>	<i>Basic Wage Rs. c.</i>	<i>Special Allowance Rs. c.</i>	<i>Total Rs. c.</i>
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Toddy, Arrack, and Vinegar Trade.

Monthly Rates.

Tope kangany	100 0 ..	— ..	100 0
Toddy tavern watcher	50 0 ..	— ..	50 0
Tope watcher	40 0 ..	— ..	40 0
Collecting station manager	60 0 ..	— ..	60 0
Selling toddy at tavern	60 0 ..	— ..	60 0
Selling arrack at tavern	60 0 ..	— ..	60 0
Preparing spadices for tapping	45 0 ..	— ..	45 0
Collecting toddy from trees in the toddy section of of the trade	70 0 ..	— ..	70 0
Collecting toddy from trees in the arrack section of the trade	35 0 ..	— ..	35 0
Distilling toddy at distillery	60 0 ..	— ..	60 0

Daily Rates.

Unskilled labourers —

Male workers not under 16 years	1 70 ..	— ..	1 70
Male workers under 16 years	1 13 ..	— ..	1 13
Female worker not under 16 years	1 30 ..	— ..	1 30
Female worker under 16 years	0 87 ..	— ..	0 87

Piece rates have been fixed for certain processes.

Motor Transport Trade.

Monthly Rates.

Class A worker	100 0 ..	34 0 ..	134 0
B	90 0 ..	34 0 ..	124 0
C	85 0 ..	31 50 ..	116 50
D	100 0 ..	34 0 ..	134 0
E	70 0 ..	29 0 ..	99 0
F	67 50 ..	34 0 ..	101 50
G	60 0 ..	30 60 ..	90 60
H	50 0 ..	30 60 ..	80 60
J	60 0 ..	30 60 ..	90 60
K	90 0 ..	30 60 ..	120 60
L	45 0 ..	21 75 ..	66 75

Daily Rates.

Class A worker	4 0 ..	1 45 ..	5 45
B	4 0 ..	1 45 ..	5 45
C	3 25 ..	1 45 ..	4 70
D	4 0 ..	1 45 ..	5 45
E	2 75 ..	1 20 ..	3 95
F	2 75 ..	1 45 ..	4 20
G	2 50 ..	1 45 ..	3 95
H	2 25 ..	1 45 ..	3 70
L	1 50 ..	0 77 ..	2 27

N. B.—Monthly rates for permanent workers and daily rates for temporary workers.

Match Manufacturing Trade.

Daily Rates.

Grade 1—

Male 18 years and over	1 80 ..	1 14 ..	2 94
Female 18 years and over	1 40 ..	1 4 ..	2 44
Young person over 14 and under 17 years	0 85 ..	0 62 ..	1 47
Young person 17 and over but under 18 years	1 15 ..	0 78 ..	1 93

Month : March, 1950.

<i>Class of Worker</i>	<i>Basic Wage Rs. c.</i>	<i>Special Allowance Rs. c.</i>	<i>Total Rs. c.</i>
<i>Grade II—</i>			
Male 18 years and over	1 40 ..	1 14 ..	2 54
Female 18 years and over	1 12 ..	1 4 ..	2 16
Young person over 14 and under 17 years ..	0 70 ..	0 62 ..	1 32
Young person 17 and over but under 18 years ..	0 90 ..	0 78 ..	1 68

<i>Grade III—</i>			
Male 18 years and over	1 24 ..	1 4 ..	2 28
Female 18 years and over	1 0 ..	0 92 ..	1 92
Young person over 14 and under 17 years ..	0 60 ..	0 62 ..	1 22
Young person 17 and over but under 18 years ..	0 80 ..	0 78 ..	1 58

<i>Grade IV—</i>			
Watcher	1 50 ..	1 14 ..	2 64

Cinema Trade.

Monthly Rates.

Within the Municipal areas.

A—Non-clerical—

Unskilled	32 25 ..	27 4 ..	59 29
Semi-skilled	37 50 ..	29 64 ..	67 14
Skilled, Grade II	50 0 ..	31 46 ..	81 46
Skilled, Grade I	60 0 ..	31 46 ..	91 46

B—Clerical—

Grade III	45 0 ..	28 0 ..	73 0
Grade II	50 0 ..	31 0 ..	81 0
Grade I	100 0 ..	36 0 ..	136 0

Outside the Municipal areas.

A—Non-clerical—

Unskilled	32 25 ..	27 4 ..	59 29
Semi-skilled	35 0 ..	29 64 ..	64 64
Skilled, Grade II	42 0 ..	31 46 ..	73 46
Skilled, Grade I	55 0 ..	31 46 ..	86 46

B—Clerical—

Grade III	40 0 ..	28 0 ..	68 0
Grade II	45 0 ..	31 0 ..	76 0
Grade I	100 0 ..	36 0 ..	136 0

Doek, Harbour, and Port Transport Trade.

Monthly Rates.

Manual Work.

Special Grade	65 0 ..	30 25 ..	95 25
Skilled Grade	55 0 ..	26 25 ..	81 25
Semi-skilled Grade	45 0 ..	23 25 ..	68 25
Unskilled, Grade I	37 0 ..	23 25 ..	60 25
Unskilled, Grade II	31 0 ..	23 25 ..	54 25

Women Workers.

Female Kanganies	35 0 ..	23 25 ..	58 25
Female labourers	30 0 ..	23 25 ..	53 25

Non-manual Workers.

Special Grade	75 0 ..	35 0 ..	110 0
Grade I	55 0 ..	26 25 ..	81 25

APPENDIX II (A)

Ready Reckoner showing the Minimum Wages payable for the number of days worked during February, 1950, to Workers in the Tea Growing and Manufacturing, the Rubber Growing and Manufacturing and the Cocoa, Cardamoms and Pepper Growing and Manufacturing Trades

No. of Days	Tea Growing and Manufacturing Trade			Rubber Growing and Manufacturing and Cocoa, Cardamoms and Pepper Growing and Manufacturing Trades		
	Men Rs. c.	Women Rs. c.	Child Workers* Rs. c.	Men Rs. c.	Women Rs. c.	Child Workers* Rs. c.
1/2	0 89	0 69	0 60 1/2	0 80 1/2	0 62	0 56
1	1 78	1 38	1 21	1 61	1 24	1 12
2	3 56	2 76	2 42	3 22	2 48	2 24
3	5 34	4 14	3 63	4 83	3 72	3 36
4	7 12	5 52	4 84	6 44	4 96	4 48
5	8 90	6 90	6 5	8 5	6 20	5 60
6	10 68	8 28	7 26	9 66	7 44	6 72
7	12 46	9 66	8 47	11 27	8 68	7 84
8	14 24	11 4	9 68	12 88	9 92	8 96
9	16 2	12 42	10 89	14 49	11 16	10 8
10	17 80	13 80	12 10	16 10	12 40	11 20
11	19 58	15 18	13 31	17 71	13 64	12 32
12	21 36	16 56	14 52	19 32	14 88	13 44
13	23 14	17 94	15 73	20 93	16 12	14 56
14	24 92	19 32	16 94	22 54	17 36	15 68
15	26 70	20 70	18 15	24 15	18 60	16 80
16	28 48	22 8	19 36	25 76	19 84	17 92
17	30 26	23 46	20 57	27 37	21 8	19 4
18	32 4	24 84	21 78	28 98	22 32	20 16
19	33 82	26 22	22 99	30 59	23 56	21 28
20	35 60	27 60	24 20	32 20	24 80	22 40
21	37 38	28 98	25 41	33 81	26 4	23 52
22	39 16	30 36	26 62	35 42	27 28	24 64
23	40 94	31 74	27 83	37 3	28 52	25 76
24	42 72	33 12	29 4	38 64	29 76	26 88
25	44 50	34 50	30 25	40 25	31 0	28 0
26	46 28	35 88	31 46	41 86	32 24	29 12
27	48 6	37 26	32 67	43 47	33 48	30 24
28	49 84	38 64	33 88	45 8	34 72	31 36
29	51 62	40 2	35 9	46 69	35 96	32 48
30	53 40	41 40	36 30	48 30	37 20	33 60
31	55 18	42 78	37 51	49 91	38 44	34 72

* A "child worker" means a male worker under 16 years of age or a female worker under 15 years of age

APPENDIX II (B)

Ready Reckoner showing the Minimum wages payable for the number of days worked during March, 1950, to Workers in the Tea Export and Rubber Export Trades

No. of Days	Male Workers over 18 Years of Age					Female Workers over 18 Years of Age	Child Workers				
	Grade II	Inter-mediate Grade	Grade I	Box Makers and Repairers*	Watchers		Over 14 and under 15 Years	Over 15 and under 16 Years	Over 16 and under 17 Years	Over 17 and under 18 Years	
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.		Rs. c.	Rs. c.	Rs. c.	Rs. c.	
1	1 14	1 27	1 37	1 27	1 32	0 96	0 59	0 66½	0 74	0 89	
2	2 28	2 54	2 74	2 54	2 64	1 92	1 18	1 33	1 48	1 78	
3	4 56	5 8	5 48	5 8	5 28	3 84	2 36	2 66	2 96	3 56	
4	6 84	7 62	8 22	7 62	7 92	5 76	3 54	3 99	4 44	5 34	
5	9 12	10 16	10 96	10 16	10 56	7 68	4 72	5 32	5 92	7 12	
6	11 40	12 70	13 70	12 70	13 20	9 60	5 90	6 65	7 40	8 90	
7	13 68	15 24	16 44	15 24	15 84	11 52	7 8	7 98	8 88	10 68	
8	15 96	17 78	19 18	17 78	18 48	13 44	8 26	9 31	10 36	12 46	
9	18 24	20 32	21 92	20 32	21 12	15 36	9 44	10 64	11 84	14 24	
10	20 52	22 86	24 66	22 86	23 76	17 28	10 62	11 97	13 32	16 2	
11	22 80	25 40	27 40	25 40	26 40	19 20	11 80	13 30	14 80	17 80	
12	25 8	27 94	30 14	27 94	29 4	21 12	12 98	14 63	16 28	19 58	
13	27 36	30 48	32 88	30 48	31 68	23 4	14 16	15 96	17 76	21 36	
14	29 64	33 2	35 62	33 2	34 32	24 96	15 34	17 29	19 24	23 14	
15	31 92	35 56	38 36	35 56	36 96	26 88	16 52	18 62	20 72	24 92	
16	34 20	38 10	41 10	38 10	39 60	28 80	17 70	19 95	22 20	26 70	
17	36 48	40 64	43 84	40 64	42 24	30 72	18 88	21 28	23 68	28 48	
18	38 76	43 18	46 58	43 18	44 88	32 64	20 6	22 61	25 16	30 26	
19	41 4	45 72	49 32	45 72	47 52	34 56	21 24	23 94	26 64	32 4	
20	43 32	48 26	52 6	48 26	50 16	36 48	22 42	25 27	28 12	33 82	
21	45 60	50 80	54 80	50 80	52 80	38 40	23 60	26 60	29 60	35 60	
22	47 88	53 34	57 54	53 34	55 44	40 32	24 78	27 93	31 8	37 88	
23	50 16	55 88	60 28	55 88	58 8	42 24	25 96	29 26	32 56	39 16	
24	52 44	58 42	63 2	58 42	60 72	44 16	27 14	30 50	34 4	40 94	
25	54 72	60 96	65 76	60 96	63 36	46 8	28 32	31 92	35 52	42 72	
26	57 0	63 50	68 50	63 50	66 0	48 0	29 50	33 25	37 0	44 50	
27	59 28	66 4	71 24	66 4	68 64	49 92	30 68	34 58	38 48	46 28	
28	61 56	68 58	73 98	68 58	71 28	51 84	31 86	35 91	39 96	48 6	
29	63 84	71 12	76 72	71 12	73 92	53 76	33 4	37 24	41 44	49 84	
30	66 12	73 66	79 46	73 66	76 56	55 68	34 22	38 57	42 92	51 62	
31	68 40	76 20	82 20	76 20	79 20	57 60	35 40	39 90	44 40	53 40	
32	70 68	78 74	84 94	78 74	81 84	59 52	36 58	41 23	45 88	55 18	

* Applicable in the case of the Tea Export Trade only.



MINISTRY OF LABOUR AND SOCIAL SERVICES

Colombo,
10th January, 1950.

The Department of Labour has taken one further step forward in beginning the publication of the Ceylon Labour Gazette. It is the first monthly publication to be undertaken by the Department and it is intended to provide an authoritative source of information on all matters pertaining to labour.

The worker in Ceylon, in most trades, now enjoys protection in regard to minimum wages, hours of work and weekly and annual holidays. Protective restrictions regarding the employment of women and children are also available. Machinery exists for the adjustment of differences between managements and staffs. The public employment service is well established and has an important part to play in the Six Year Plan which the Government of the country has outlined in its desire to reach the goal of full employment. Workers also enjoy protection in respect of health and safety at work-places and compensation in the event of disease, accident or death caused at work.

While our general aim has been confined to ameliorating the working conditions and improving welfare, we are also playing our part, as a Member of the International Labour Organisation, in furthering the acceptance of equitable labour standards.

It is therefore a happy coincidence that the first issue of the Ceylon Labour Gazette should appear this month when the I. L. O. Asian Regional Conference is being held at Nuwara Eliya.

Thyagaraj

Minister of Labour and Social Services.

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CEYLON AND THE INTERNATIONAL LABOUR ORGANIZATION

CEYLON was admitted as a Member of the International Labour Organization at the 31st Session held at San Francisco (June-July, 1948). Prior to 1947 she formed part of the Non-Metropolitan Territories administered by the United Kingdom, who undertook to apply to Ceylon Conventions ratified by her. Ceylon was thus bound to observe Conventions ratified by Britain.

In the discharge of this duty Great Britain had applied to Ceylon a number of Conventions which she had accepted herself. As early as 1923 legislation was passed to bring into force the Conventions relating to the employment of women, children and young persons at sea and any industrial establishments. The Convention (No. 8) dealing with unemployment indemnity, the Convention (No. 15) concerning the minimum age for admission of young persons to employment as trimmers and stokers, and the Convention (No. 16) relating to the medical examination of children and young persons employed at sea were given effect to.

Convention (No. 22) concerning seamen's articles of agreement was given effect to in the Merchant Shipping Act of Great Britain and this was applied to Ceylon by an Order in Council (Ceylon State Council).

Convention (No. 32) concerning the protection against accidents of workers employed in loading and unloading ships is being brought into force through regulations under the Factories Act (1942 and amended in 1946) which were proclaimed on 1st January, 1950.

Convention (No. 2) concerning unemployment was satisfied when the first employment exchange was established where men and women in search of work or work betterment could register themselves and the Government made every effort to place them in suitable employment. The system of employment exchanges has now extended to cover most areas of the country.

The legislation of the country in many instances is in substantial agreement with the ILO Conventions and only technical and financial difficulties, in a few cases, have prevented ratification.

The legislation of the country relating to trade unions gives all categories of workers the right to organize and register trade unions for certain privileges and are free from legal liabilities for torts committed in the course of their work. Convention (No. 11) which requires a grant of rights of association and combination to agricultural workers must therefore be regarded as satisfied.

The legislation of the country regarding workmen's compensation covers both industrial and agricultural workers and treats both national and foreign workers alike. Compensation is payable for accidents while at work, which cause death or disability, and for certain scheduled occupational diseases. Convention (No. 12) concerning workmen's compensation in agriculture and Convention (No. 19) concerning equality of treatment for nationals and foreign workers are therefore satisfied. The list of occupational diseases in Ceylon is not as comprehensive as that given in Convention (No. 42). This is to be expected in an under-industrialised country like Ceylon.

Convention (No. 29) which prohibits forced or compulsory labour is the practice in Ceylon, as no forced labour is exacted. The exception provided in the Convention, namely, the form of tax whereby a worker was required to give service on village works for a short period or commute his liability for money payments, did exist in the country but was abolished in 1946. Penal sanctions were also abolished many years ago.

Ceylon never had indentured labour, but workers were recruited from South India who came under conditions and terms agreed to by the Government of India. Depots were established in South India in the Districts where labour was available. Anyone wanting work was given a document explaining what wages he would get and the other conditions of service, and if he was satisfied with these and produced a certificate from his village headman that he understood the terms, he would be accepted for employment. He could bring his wife and children. These workers were transported to a central depot, medically examined and kept under medical surveillance for 7 days and then sent on under escort to the Ceylon plantations. Within one year they could return to their homes if they did not find conditions suitable.

Workers on plantations in Ceylon had a number of other benefits which till recently were not available to non-plantation workers. Employers had to provide medical services and free housing; they also had to provide for schools. The plantation workers in Ceylon were the first to get minimum wage protection in 1927.

The minimum wage legislation in Ceylon provides for the creation of a Wages Board for each trade consisting of employers' representatives, workers' representatives and independent members representing the public on a tripartite basis. These Wages Boards have power to fix minimum wages inclusive of cost-of-living allowances and overtime rates, to determine the normal working day and weekly holidays, and to specify the number of days that should be allowed for sick leave with pay and as annual holidays. Wages have been created, and are functioning, for a number of trades—16 to be precise.

The country has legislation for the maternity protection of women workers (Maternity Benefits Ordinance 1939 and amended in 1946).

The ratification of every ILO Convention by small nations has been a difficult problem. It may be said that the legislative programme of the ILO which is progressive and advanced, is outstripping financially and technologically the capacity of many small nations to keep pace with it. In spite of these difficulties, as soon as Ceylon became an independent nation, she applied for Membership of the ILO. That alone is an earnest of the country's desire to play her part in furthering the objectives of the International Labour Organization.

WORKMEN'S COMPENSATION IN CEYLON

(By Courtesy of the Director of Social Services, Ceylon.)

THE Workmen's Compensation Ordinance, No. 19 of 1934 (Ceylon) was brought into operation in 1935. The Ordinance was administered by the Commissioner of Labour as Commissioner for Workmen's Compensation up to February, 1943, but with the establishment of the Department of Social Services its administration was transferred to the Director of Social Services.

The Ordinance provides for the payment of compensation by the Employer to the workmen who sustain personal injury by accident arising out of and in the course of employment. A "workman" has been defined as a person who is employed on wages not exceeding Rs. 300 per month in any such capacity as is for the time being specified in Schedule II of the Ordinance, but does not include persons in all branches of the Fighting Forces, personnel of the Police Force and casual employees who are employed otherwise than for the purposes of the employer's trade or business. Among the more important occupations listed in the Schedule are vehicular transport, manufacture of goods, mining, quarrying and excavating, port labour, blasting operations, outdoor work in Government departments and tapping or coupling of palm trees.

The Ordinance expressly extends the term "accident" to include occupational diseases which are specified in the Ordinance, such as, anthrax, lead poisoning and phosphorous poisoning, &c. Anthrax excepted, a worker is required to be six months in continuous employment before responsibility in respect of an occupational disease may be fixed on that employer. Compensation is not payable in respect of any other disease unless it can be established that it is directly attributable to a specific injury by accident sustained by the worker out of and in the course of his employment.

An injury must result in disablement for a period exceeding seven days to impose liability on an Employer. The Employer cannot, however, be made liable to pay compensation in respect of accidents, which do not result in death and which are caused by the worker being under the influence of drink or drugs, or as a result of wilful disobedience to an order expressly given or to a rule expressly framed for the purpose of securing his safety or by wilful removal or disregard by the worker of any safety device which he knew was provided for such purpose.

When the accident does not result in death the Ordinance recognises the principle of mutual adjustment and Employer and worker are allowed to settle the question of compensation between themselves. Where parties are unable to come to a settlement, application for inquiry may be made to the Commissioner for Workmen's Compensation. In fatal cases the dependants of the deceased workman may apply direct to the Commissioner, who is also empowered to notice an employer directing him to state within 30 days whether or not he is liable to deposit compensation in respect of the accident.

The amount payable is determined on the basis of the wages earned by the workman and in accordance with the schedule contained in the Ordinance. In the case of temporary disablement as a result of the injury, half monthly payments must be made during the period of the disablement and these vary from half month's wages to Rs. 30 per half month. Accidents resulting in death are compensated by a single payment ranging from Rs. 500 to Rs. 4,000 and in the case of a minor Rs. 200. When the injury results in total disablement of a permanent nature the amount of compensation varies from Rs. 700 to Rs. 5,600. In cases where, although the disablement is permanent the loss of earning capacity is only partial, the compensation is proportionate to the amount payable for total disablement.

Upon application being made to him, contested claims for compensation come up for inquiry before the Commissioner (or his Deputy) who is invested with all the powers of a Civil Court. The inquiry proceeds strictly on judicial lines and there is provision for appeal to the Supreme Court against the order of the Commissioner.

Insurance is not compulsory under the Ordinance, but an Employer may insure with any Insurance Company licensed by the Commissioner, thereby safeguarding himself against these risks.

The Commission on Social Services has made recommendations for the amendment of the Ordinance which are likely to be implemented. The recommendations of the Commission are contained in Sessional Paper VII of 1947 Chapter XII.

The Ceylon Ordinance compared with The National Insurance (Industrial Injuries) Act 1946 (Great Britain)

The text of the preamble to the National Insurance (Industrial Injuries) Act 1946 of Great Britain runs as follows:—

“An act to substitute for the Workmen's Compensation Acts, 1925 to 1945, a system of insurance against personal injury caused by accident arising out of and in the course of a person's employment and against prescribed diseases and injuries due to the nature of a person's employment, and for purposes connected therewith”.

This Act came into operation in Great Britain on 5th July, 1948, thus replacing the Workmen's Compensation Acts and bringing the case of the injured workman within the scope of the general scheme of Social Insurance.

The Workmen's Compensation Ordinance of Ceylon does not apply to persons in receipt of wages exceeding Rs. 300 per month, while the repealed British Acts excluded non-manual workers earning over £420 per annum. The Industrial Injuries Act, however, embraces all persons, irrespective of race, employed under a contract of service and occupied in insurance employment, regardless of their earnings.

Under the present British Scheme all employees in insurance employment and their employers pay equal contributions to the Industrial Injuries Fund to which the State makes a contribution equal to one-fifth of the sum total of contributions of employers and employees. Injured persons receive very generous treatment under the new Act in that the disqualification from receiving benefits are very few. A person may receive benefits even though the injury sustained is attributable to his own negligence provided that it was not as a result of drunkenness or horse-play or his doing something on his employer's premises for his personal benefit. There is a further advantage in that payment of benefit is not governed or regulated by any contribution conditions. Claims to benefit are determined by the Statutory Authorities appointed under the Act and an employer is only required to confirm that the accident did occur on his business premises during working hours and that it was brought to his notice. The first three days of incapacity are treated as “Waiting Days” for which no benefit is payable until a further nine day's incapacity results.

The Workmen's Compensation Ordinance of Ceylon, however, does not provide for the collection of contributions, and compensation costs have therefore to be borne by employers. Compensation is not payable if the period of incapacity is less than seven days and also if the accident is directly attributable to the workman's contravention of his employer's safety rules. A workman who injures himself at work gives notice of such an accident and also makes his claim to the employer. Under this procedure there is therefore a considerable amount of litigation.

The Ceylon Ordinance also makes provision for a reduction of full compensation if a workman who suffers permanent partial disability is still capable of earning wages though at a lower rate than before the accident. In that event the employer is not under any legal obligation to provide the workman with such employment and the amount of compensation payable is calculated on the percentage loss of earning power.

Under the Industrial Injuries Act in U. K. benefit bears no relation to wages but is paid at a fixed rate for total incapacity for a maximum period of 26 weeks from the date of the accident. On exhaustion of this benefit a person is entitled to "Disablement Benefit" on account of any permanent or substantial loss of faculty. The term "loss of faculty" is given so wide an interpretation that a disfigurement could be considered to be a loss of faculty even though the person's physical or mental health remains unimpaired. The disablement pension is paid as long as the degree of disability remains over 20 per cent., which may be even for life. This latter fact does not, however, preclude such a person from resuming his former employment and earning as much as he did before the accident.

Thus briefly set out are a few of the more obvious points of difference between the National Insurance (Industrial Injuries) Act, 1946, of Great Britain on the one hand and the Workmen's Compensation Ordinance of Ceylon on the other. The former was introduced in Great Britain in July 1948 along with other measures of social legislation to protect her people against the hazards of sickness, unemployment and injury whilst at work. It is now generally acknowledged that the new British Act is a vast improvement on the former Workmen's Compensation Act.

JUDGMENTS IN APPEAL IN WORKMEN'S COMPENSATION CASES

WORKMEN'S COMPENSATION CASE No. C2/47/45

S. C. No. 1,259

Present : Gratiaen, J.

Argued on 13th December, 1948.

V. Tennekoon, C.C., for the Appellant.

C. E. Jayawardene, for the Respondent.

Delivered on 21st December, 1948.

GRATIAEN, J.—This is a very sad case. A gentleman named A. D. A. Seneviratne (whom I shall hereafter refer to as “the deceased”) was the Head Teacher of a Government School at Dorake. One of his many official duties was to supervise the preparation and the distribution of the pupils' mid-day meal. On 13th December, 1945, while he was so engaged, a stray cat which subsequently turned out to be mad, entered the kitchen and attempted to eat the bread which was intended for the children's meal. The deceased saved the bread from the designs of the cat who retaliated by biting his finger. In consequence of this injury the deceased died of hydrophobia on 31st December, 1945.

The terms of the deceased's employment were apparently such that notwithstanding even the circumstances of his death his widow was not entitled to receive any pension or gratuity from the Government. The question of paying some compensation by reason of his having met his death in consequence of the performance of his official duties was then raised, but on this matter the Director of Education referred her to the Commissioner for Workmen's Compensation, to whom she accordingly applied for relief. Her application for compensation under the Workmen's Compensation Ordinance (Chapter 117) was resisted by the Controller of Establishments on behalf of the Government of Ceylon on various grounds some of which were of an extremely technical nature. After inquiry, the Commissioner made an award in favour of the widow for a sum of Rs. 3,000. It is from this award that the Controller has appealed.

The Crown's objections to the Commissioner's award have been restricted in appeal to two submissions. It is contended—

- (a) that as a matter of law there was no evidence to support the finding that the deceased died in consequence of an accident “arising out of his employment” within the meaning of Section 3 of the Ordinance.
- (b) that in any event the deceased was not a “workman” within the meaning of the Ordinance.

I have had the benefit of a very full argument from learned Counsel who appeared before me in appeal, and I am much indebted to them for their assistance.

I shall deal first with the question whether the accident arose “out of” the deceased's employment. That it arose “in the course of” that employment is conceded. The question is not free from authority in England where persons who have been injured by animals in somewhat similar circumstances have claimed compensation from their employers under the corresponding provisions of the Workmen's Compensation Acts. Where the offending animal, like the proverbial “ship's cat”, forms what has been judicially described as “part of the necessary furniture” of the establishment, the problem presents no difficulty. In “Rowland vs. Wright” (1909) 1 K.B. 963 a stableman was eating his meal in the stable where he

was entitled to be and which was his proper place, when a stable cat suddenly and without provocation sprang at him and bit him. The Court of Appeal held that the accident arose "out of and in the course of" the stableman's employment because his duties took him into the stable where, to his knowledge and his master's knowledge, there was a cat habitually kept. "If it had been a strange cat" said the Master of the Rolls, "the case would have presented a totally different aspect".

Does it then follow that in each case the sole question for determination is whether the animal which caused the injury belonged to the employer's establishment or was an uninvited stranger? The later decisions which have been brought to my notice satisfy me that this is by no means the true *ratio decidendi*. In "*Craske vs. Wigan*" (1909) 2 K.B. 635, a lady's maid met with an unusual accident in consequence of the incursion of a cockchafer through an open window into the room where she was employed. She was held not to be entitled to compensation from her employer. The Court of Appeal ruled that it was not sufficient for the applicant who claimed that the accident arose "out of" his employment to say, "The accident would not have happened if I had not been engaged in that employment or if I had not been in that particular place". He must go further and say, "*The accident arose because of something I was doing in the course of my employment or because I was exposed, by the nature of my employment, to some peculiar danger*" (per Gozens-Hardy, M. R.). Buckley L. J. similarly held that it must be proved "that the accident was in some sense due to the employment. It must be a risk reasonably incident to the employment". This principle was followed in "*Warner vs. Couchman*" (1911) 1 K.B. 351 and "*Amys vs. Barton*" (1912) 1 K.B. 40 which decided that no compensation was payable under the Acts in respect of accidents which were "due to a risk common to all mankind".

It seems to me that the principle laid down in *Craske vs. Wigan* supports the case of the widow in the present case. It was the clear duty of the deceased in terms of his employment to protect from the designs of any intruder, be he man or animal, the food which was in his charge for distribution among the school children under his care. The injury sustained by him therefore arose *because of* and not merely *in the course of* something which he was doing in the course of his employment. Moreover, in "*Simpson vs. Sinclair*" (1917) A.C. 127 the House of Lords adopted a view which was perhaps even more favourable to the workman in such cases than the principle laid down in "*Craske vs. Wigan*". It was there decided by Lord Shaw that the expression "arising out of employment" applied to the nature, the conditions, the obligations, and the incidents of the employment. "*If by reason of any of these the workman is brought within the zone of special danger, and so injured or killed, the broad words of the statute apply*". On this line of reasoning, it necessarily follows that the conditions and obligations attaching to the deceased's employment brought him within what proved on this particular occasion to be a "zone of special danger". Indeed, his quarrel with the cat was not of his own seeking but was undertaken solely in defence of his employer's property. The accident therefore arose "out of" his employment within the meaning of Section 3 of the Ordinance, and the appellant's objections to the award on this ground must be rejected.

There remains the question whether the deceased was a "workman" as defined in the Ordinance. If the answer is in the negative his widow's claim to compensation must fail. The Workmen's Compensation Ordinance introduced for the first time provision entitling certain classes of workmen (and their dependants) to claim compensation from their employers in respect of injuries sustained in the course of their employment. It is clear that the Legislature intended to give the enactment only a fairly restricted range of operation, and that it was not intended to benefit all classes of employees. The scope of the Ordinance was confined

only to "workmen" who were defined in Section 2 as persons "employed on wages not exceeding Rs. 300 per mensem in any such capacity as is for the time being specified in Schedule 2". From these words one observes that apart from introducing an income limit, no general definition of the term "workman" was attempted. An employee could not qualify for any statutory benefit unless he came strictly within one or other of the various occupations specified in Schedule 2. It is common ground that the teaching profession did not come within any of the 22 occupations originally caught up in the Schedule. Indeed, an analysis of these occupations indicates that even humbler employees such as those serving "in a clerical capacity" were and are still expressly excluded. One is driven to the conclusion that when this early and very commendable experiment in social legislation was introduced the intention was to embark upon no more far-reaching reform than that contemplated in England by the original Workmen's Compensation Act of 1897. It is, I think, very significant that although the draftsman of the Ceylon Ordinance had available to him as a model the very much wider definition of "workman" in the later English Act of 1925, he in fact adopted a definition and a schedule with a far more restricted scope similar to what was in operation under the definition (long since repealed) of the 1897 Act. I think that the language of the local Ordinance and of its relevant Schedule catches up only the occupations of persons who belong to what are popularly described as "the working classes" engaged in manual labour and earning "wages" as distinct from "salaries". (vide "*Simpson vs. EBBW Vale Steel Iron and Coal Co.* (1905) 1 K.B. 453 and "*Bagnall vs. Levinstein*" (1907) 1 K.B. 531).

Learned Counsel for the widow conceded that the view which I have expressed correctly represents the position at the time when the Ordinance was first introduced. He referred me, however, to an amendment of Schedule 2 which was introduced in 1944 (vide *Ceylon Government Gazette*, No. 9,264 of April 28, 1944), whereby certain additional occupations were added to the original list in the Schedule, including among others (item 29) persons "employed in any occupation ordinarily involving out-door work in any Government Department". The suggestion is that these words are wide enough to catch up the case of the deceased and of any other Government teacher whose occupation occasionally involves the supervision of work and the taking of classes in the open air, as well as certain ancillary out-door duties such as gardening and food-production. With great respect I feel that to accept this argument would be to strain the language of the amending section to a degree which is quite unwarranted. If the Legislature had in 1944 decided to extend to School teachers the benefits of the Workmen's Compensation Ordinance which had previously been reserved for persons employed in very much humbler occupations, I think that the necessary amendment could and would have been introduced in much clearer language. The test as to whether any occupation "ordinarily involves out-door work" must be decided not with reference to some duty which a man is rarely or occasionally required to perform, but with reference to "the real and substantial character of his service" (vide in this connection "*Jaques vs. Alexandria*" (1921) 2 A.C. 339. If this test be applied to the occupation of a school master, the question has only to be asked in order to be answered without hesitation in the negative. Indeed, I believe that if the Legislature were to decide to confer the benefits of the Workmen's Compensation Ordinance to the noble profession of teachers, it would hardly be considered necessary or desirable to insist upon the artificial and wholly unreal qualification of some out-door work. I can see no reason for giving any special priority to the organisation of an occasional paper-chase over the very important forms of instruction which can only be imparted in the class-room. This would surely be extending the doctrine of *Mensa in corpore sana* beyond

its legitimate teachers could have been intended to benefit to the exclusion of other teachers performing precisely similar functions in a private or State-aided school.

In the result, I hold that the deceased was not a "workman" within the meaning of the Ordinance and that his "widow's" claim must fail. The appeal must therefore be allowed and the award of compensation in favour of the widow must be set aside. I propose to make no order as to the costs of this appeal because although the Crown has succeeded, it failed before the Commissioner on certain objections, some of which were so technical that they would have brought little credit to an even less enlightened employer. The case of this unfortunate widow deserved to be treated on its merits, and I for one would have preferred to see the Crown as the so-called "model employer", willing on this occasion at least to adopt the attitude of a model litigant. Some of the technicalities relied on in the proceedings before the Commissioner were very properly discarded in appeal. In all the circumstances I see no reason to interfere with the Commissioner's order that the widow should receive from the Crown her costs of the inquiry. In the result the award of compensation made by the Commissioner will be set aside, but his order as to costs will stand. There will be no costs of appeal.

WORKMEN'S COMPENSATION CASE No. C3/149/47.

S. C. 315

Present: Gratiaen, J.

Argued on 23rd May, 1949.

Decided on 25th May, 1949.

N. K. Choksy, K.C., with J. N. David, for the Appellant.

Vernon Wijetunge, for the Respondent.

GRATIAEN, J.—This is an appeal against an order for compensation under the Workmen's Compensation Ordinance (Chapter 117) in favour of the widow of a man named Solomon who was at the date of his death employed as a night-watcher on certain premises belonging to the appellant. The question of law which arises for my determination is whether Solomon came by his death in an accident "arising out and in the course of his employment" under the appellant within the meaning of Section 3 of the Ordinance.

The relevant facts as found by the learned Commissioner are that Solomon's normal hours of duty as a night-watcher were from 6 p.m. till 9 a.m. No meals were supplied to him while on duty, and in the circumstances he returned home each night for a short period to have his dinner. I will assume that he absented himself from his place of duty on these occasions with the knowledge and even the approval of his employer. On the night of 30th July, he was murdered on his way home to dinner. The murder took place on a highway which did not form part of his master's premises over which he had been employed to keep watch.

The learned Commissioner took the view that in the circumstances of the case "the course of employment had not been interrupted at the time the accident took place", and awarded compensation to Solomon's widow. Were I permitted in exercising my appellate jurisdiction to be swayed by sympathy I should not have been reluctant to make this order, but I am bound by the provisions of the statute. The true arising in cases where an employee meets with an accident when he is "off-duty" during the dinner-hour has been answered by the Courts with a consistency which is somewhat rare in Workmen's Compensation claims. In *Parker vs. "Black Rock" (owners)* (1) a seaman had signed articles for a coasting voyage, which contained the term "crew to provide their own provisions". When the ship arrived in port he went ashore to buy the necessary provisions, and then returned in the direction of the pier where the ship was lying. It was a dark and stormy night, and the next day the unfortunate man's corpse was found floating in the water near the pier. The House of Lords decided that the accident by which he lost his life did not arise out of his employment. "It is not sufficient" said Lord Parker, "that the accident happened during a period when the man was lawfully absent from the vessel. In order to make it an accident arising out of the employment, the absence must be in pursuance of a duty owed to the employer". The argument that the man's absence arose from the need for food was ruled to be irrelevant on the ground that that was "a necessity common to all mankind". A later decision of the Court of Appeal in *Bell vs. Armstrong Whitworth & Co.* (2) went even further. In that case a workman left the premises during the luncheon interval to go to a canteen specially provided for the purpose by his employers. The canteen was some distance from the employer's gates at the opposite side of a public highway. The employee was knocked down and killed by a lorry on the highway as he was approaching the canteen. It was held that the principle laid down in *Parker vs. "Black Rock" (owners)* (1) applied and that the fact that the employers by installing the canteen had in a sense invited the workman to go there did not affect the position.

Learned counsel for the widow relied on *Armstrong Whitworth vs. Bedford* (3) but the facts of that case are very clearly distinguishable because there the workman returning to work after lunch from a canteen met with an accident as he was coming down the stairs "which were the provided means of access from part of the employer's premises to the particular part where the machines were where he slipped and fell" (per Lord Sumner). I note that in his opinion Lord Sumner agreed that if the accident had happened in the street, the case would have been different.

In the present case Solomon came by his death when he was on the highway for a purpose (no doubt a very necessary purpose) of his own. He was not there in respect of any duty which he owed to his master. It therefore follows that the accident did not arise "out of and in the course of" his employment within the meaning of the Ordinance. I set aside the order appealed from, but make no order as to costs.

(1) (1915) A.C. 725.

(2) (1919) 88 L.J.K.B. 844.

(3) (1920) A.C. 757.

AN INTRODUCTION TO THE FACTORIES ORDINANCES, NO. 45 OF 1942 AND NO. 22 OF 1946 (CEYLON)

THE above Ordinances were proclaimed on the 1st January, 1950, by H. E. the Governor-General, The Right Honourable Lord Soulbury, G.C.M.G., O.B.E., M.C.

It is appropriate, therefore, that a short introduction to the Ordinance should appear in this, the first issue of the Labour Gazette.

The main Factories Ordinance of 1942 is based generally on the Factories Act (1937) of Great Britain. It lays down various requirements affecting the safety, health and welfare of persons employed in factories. The Ordinances will be augmented by Regulations and Orders from time to time since special precautions for particular kinds of work or plant may have to be specified in greater detail than in the more general terms of the Ordinance.

The Factories Ordinance also repeals the Rules relating to Factories made under the Mines and Machinery Ordinance. Under these Rules, the enforcement of a limited number of safety provisions lay with the Government Agents. They did not inspect but acted upon reports from licensed engineers. The latter were appointed from engineers in Government Service or with the larger engineering firms, but few private individuals also undertook these inspections. It was only a part-time occupation. Instead of licensed engineers, Factory Inspectors will be appointed who will administer the Ordinance as a full-time duty.

At the start, firms will be required to supply information as to their correct title, address, nature of work undertaken, type of power used and maximum number of workers. Certificates of Registration will be issued after an inspection has been made. Certificates can be refused if reasonably good conditions are not provided.

In regard to the definition of "factory", it will be found that section 124 is very comprehensive. A more simple definition of a "factory" as a place where persons are employed in manual labour in the making of any article for gain will be found to cover the great majority of factories. But such a simple definition does not cover employment in certain premises and doubt would arise as to whether the Ordinance applied.

In some cases it would rest with a Court of Law to decide. Hence to avoid confusion or else Court decisions, the definition of "factory" is made as explicit as possible.

One of the provisions in this section is that premises are not excluded by reason only that they are open air premises, (e.g., sawmills). Also the Ordinance applies to premises under the control of Government and Municipal, local or public authorities. Exemption from being a "factory", however, is given in the case of premises wherein only members of the occupiers family are employed—sometimes referred to as a "domestic" factory.

The Safety Part of the Ordinance deals with such matters as the Fencing (or Guarding) of transmission machinery, other machines, and pits or vessels containing scalding corrosive or poisonous liquids. Other sections cover the sale of new machines, cleaning of machinery in motion, training of young persons on machines, protection of eyes, construction of floors, safe means of access, precautions against gasing, explosions and fire.

It is also necessary to make arrangements for properly maintaining hoists or lifts, chains, ropes and lifting tackle, cranes and winches, and for examinations by competent persons. Steam boilers, steam and air receivers must also be soundly constructed, maintained and undergo proper examinations.

Notification of accidents causing loss of life or disabling a worker for more than seven days must also be reported. Dangerous occurrences, such as the bursting of a revolving vessel, wheel or grindstone, the collapse of a building or failure of a crane and certain fires and explosions should also be notified whether or not injury results.

The Health sections deal with cleanliness in the workrooms, drainage of floors, prevention of over-crowding of the persons employed, provision and maintenance of adequate ventilation, lighting, temperature and sanitary accommodation.

The use of underground workrooms is only allowed subject to stringent requirements as to conditions and lifting or moving of excessive loads by young persons is prohibited.

Whenever industrial poisoning or disease from certain substances is discovered by a registered medical practitioner to have arisen from the patients' employment in a factory, a report will be sent to the Chief Inspector of Factories.

Under the Welfare sections, the requirements regarding wholesome drinking water supply, washing facilities, clothing accommodation, seating and first-aid are dealt with.

The Employment Part deals with the period of employment of Women and Young Persons under 18 years of age, and the permissible amount of overtime allowed daily, weekly and annually. Weekly and annual holidays must be allowed. Certificates of fitness for work can also be required for young persons.

Other Parts of the Ordinance deal with miscellaneous legal and administration matters.

This brief summary gives a broad indication of the objects and the scope of the Factories Ordinance which is a substantial contribution to the industrial law of Ceylon.

MINIMUM WAGE LEGISLATION AT WORK IN CEYLON

THE first decisive step towards organized control of labour conditions was taken in 1923 with the establishment of the Department of the Controller of Indian Immigrant Labour to deal with the enforcement of the Indian Immigrant Labour Ordinance and the Indian Labour (Estate) Ordinance which had just been brought into operation. Although these Ordinances dealt with the various terms and conditions of employment relating to Indian Immigrant Labour, the question of wages was still left to determination under ordinary contractual conditions. As the Department got into its working stride, the need for legislation prescribing minimum wages began to be more and more felt and, as a result, in 1927 the first minimum wage legislation in Ceylon appeared on the Statute Book in the shape of the Minimum Wage (Indian Labour) Ordinance.

The system for wage fixation adopted by this piece of legislation was based on the idea of Wage Councils. The Island was grouped into various districts and for each of these districts an Estate Wages Board was set up. These Wages Boards having considered conditions prevailing in the district, fixed rates of wages applicable to workers on estates in the district over which the respective Boards had jurisdiction. The rates were, however, not legally final until they had been considered and ratified by the Board of Indian Immigrant Labour and had received the approval of the Governor. All the legislation so far referred to, however, covered only Indian labour employed on estates planted in certain specified products.

Whilst passing the Minimum Wages Ordinance of 1927, the legislature expressed a wish that early action should be taken to extend minimum wage legislation to cover indigenous labour as well. Investigations were accordingly undertaken and actively continued until about 1932 when the depression then prevailing put the matter into cold storage for some time. In 1935 the Department of Labour, which by this time had been re-constituted to cover all classes of labour, renewed the investigations and in May 1938, the Minister of Labour, Industry and Commerce approved in principle the introduction of a new Ordinance setting up machinery for prescribing minimum wages to cover any specified class of worker or industry. This legislation finally appeared on the Statute Book in 1941 as the Wages Boards Ordinance and with two subsequent amendments continues to be the principal minimum wage legislation in the Island today. As its caption indicates it preserves the same idea of wage fixation by means of Wage Councils as in the case of its prototype the Minimum Wage (Indian Labour) Ordinance of 1927.

The Wages Boards Ordinance is divided into three distinct parts. Part I is general and is applicable to all employers and workers in any trade whatsoever. Part II provides for the application of this part of the Ordinance by the Minister of Labour to any particular trade. Such application is followed by the setting up of a Wages Board to determine wage conditions in the trade. Part III contains provisions dealing with the appointment of and the powers of Officers under the Ordinance in addition to prescribing certain other general conditions applicable to all trades and defining penalties which may be imposed for breaches of the various sections of the Ordinance.

Broadly speaking the provisions of Part I place limits on the time within which payments may be made and also prescribes maximum deductions which may be made from wages and the purposes for which such deductions may be made. This part also places an obligation on an employer whose work-place does not fall within a trade to which Part II has been applied to keep records of all wages paid to workers employed by him together with particulars of deductions from these wages and the dates on which payments were made, &c.

Part II of the Ordinance does not operate in relation to any trade unless it is specifically applied to that trade by a published order of the Minister for Labour and Social Services. This part prescribes that before any such application is made the Minister should give due publicity to his intention and consider any objections which may be raised before he finally makes his order. It prescribes the powers, functions and duties of Wages Boards in addition to laying down the procedural rules covering the functions of the Boards. The powers of a Board include ability to fix minimum rates of wages and prescribe conditions under which a worker may be paid at less than the prescribed rates, prescribe intervals at which wages shall be paid, hours of work and weekly and annual holidays. Wages Boards are vested with the discretion of determining different rates of wages, hours of work and holidays or making such other provision as is necessary for special circumstances obtaining in particular branches of the trade for which they operate.

Part II also makes it an obligation of an employer to keep records in a prescribed manner and to exhibit a notice board setting out the decisions of the Wages Board so that workers may be made aware of their rights to benefits under these decisions.

Although the Ordinance appeared on the Statute Book in 1941, due to wartime conditions it was not possible to bring the Ordinance into working until about 1944 when the first application of Part II to specified trades was made. In 1944 Part II of the Wages Boards Ordinance was applied to the Tea Growing and Manufacturing Trade, the Rubber Growing and Manufacturing Trade, the Coconut Trade, the Tea Export Trade, the Rubber Export Trade, the Plumbago Trade, the Engineering Trade, and the Printing Trade. Since then the application of Part II has been gradually extended and at the present time the following trades in addition to those already mentioned are covered by Wages Boards:—

Toddy, Arrack and Vinegar trades, the Cigar Manufacturing trade, the Motor Transport trade, the Match Manufacturing trade, the Cinema trade, the Dock, Harbour and Port Transport trade, and the Building trade.

It was also necessary in the course of 1949 to divide the Coconut trade as originally described by the Minister into two separate trades, viz., the Coconut Growing trade and the Coconut Manufacturing trade. This step became necessary as it was found that conditions in these two trades were dissimilar and the interest of the trades would be better served by having different Wages Boards legislating for conditions in the respective trades. Since April, 1949, two Wages Boards have been operating in respect of these trades and their decisions were brought into force with effect from May 1, 1949. The Wages Board for the Rubber Trade was suspended for a short period between July 1, 1949, and November 30, 1949, due to an acute slump in the rubber market and the need for leaving producers free to re-constitute the industry by all means possible. Devaluation and a consequent appreciation in the price of rubber, however, made the step no longer necessary and the Wages Board for this industry was reconstituted in December, 1949.

A Wages Board set up for any trade is composed of persons representing employers in the trade and representing workers in the trade, both parties in equal numbers. Nominated Members are added to the Board in respect of whom it is clearly laid down that they must have no connection or interest in the trade either as employers or workers. The Commissioner of Labour is the Chairman of every Wages Board but although he is the recognized pilot at the deliberations of these Boards, he is not endowed with a vote and cannot thus take part in finalising a decision of the Board. Each Board is also provided with an Official Secretary.

A Board once set up is obliged within six months of its being brought into being, to determine a general minimum time rate applicable to workers

in the trade. If a Board fails to do so the Commissioner of Labour is required to report the fact to the Minister who may in his discretion allow a further extension of life within which the Board should take the decision referred to. The Minister, however, may in his discretion direct the Commissioner of Labour to make the decision which the Board has failed to make.

The law also empowers a Wages Board to appoint one or more District Wages Committees to serve as advisory and reporting bodies on any subjects which may be referred to such District Wages Committees by the Board. The value of these District Committees will be appreciated when it is realized that the Wages Board legislates for the Island as a whole and may not be in a position to evaluate correctly local conditions in making its decision. On the advice of a District Wages Committee such local conditions may receive proper attention and a Wages Board will be enabled to make such variation in its decision to suit circumstances in the District.

Experience of the working of Wages Boards in this country now extends over a period of nearly six years and it has been found that these Boards do provide a common meeting ground for discussion and solution of problems which under other circumstances may appear to be insoluble as they present a task calling for reconciliation of apparently irreconcilable interests. Once a Board has assumed its working stride the value of its decisions in preventing industrial unrest can perhaps never be accurately gauged but there is no doubt that the activities of the Boards which have so far been working have resulted in an increase in the material welfare of workers in the industries which they cover.

The administration and enforcement of the Ordinance is vested in the Commissioner of Labour. He is assisted in his task by a trained body of Inspectors who today are fully engaged in seeing that the provisions of the Ordinance and the decisions of the Wages Boards are properly complied with. The Administration Report of the Commissioner of Labour for 1948 disclosed that despite a large volume of other urgent work during the course of the year, the Inspectors were able to make an appreciable number of inspections during the year. In all 2,960 establishments were inspected and the wages of nearly 334,843 workers were checked with shortpayments amounting to Rs. 360,739.21 being recovered by the Department and paid to the workers concerned.

The Inspectorate is fully alive to the fact that its function is not only to enforce the law and bring to book miscreants but that an important part of an Inspector's duty is to educate employers and workers respectively as to their rights and obligations under the Ordinance. Prosecutions are a last resort and are entered upon only after every endeavour is made to recover shortpayments or to correct breaches of the law by methods of departmental procedure. Prosecutions were instituted for 142 offences under this Ordinance during 1948 which when considered against the background of inspections and detections is a negligible figure.

The Ordinance has been in force for nine years and like all pioneer legislation has had its rough spots. The Department of Labour has during this entire period kept the law under constant review and carefully noted the directions in which improvement is called for. A draft Bill is now ready, and will shortly be brought before Parliament, the object of which is to rectify the defects which the working of the Ordinance had shown up in the past. The proposed draft Bill seeks to enlarge the powers of Wages Boards and at the same time make more flexible certain of the existing provisions so that it will prevent them from acting in restraint of legitimate industrial development. Before the Bill is placed before Parliament, however, it will be discussed with the representatives of Associations of Employers and Workers so that the practical advice of these Associations may be obtained prior to the bill reaching the stage of legal enforcement.

DECISIONS OF THE WAGES BOARD FOR THE TEA GROWING AND MANUFACTURING TRADE (MADE IN 1945 AND 1946) AS VARIED SUBSEQUENTLY BY NEW DECISIONS

The following decisions are applicable to the trade consisting of the raising and maintenance of a tea plantation and the manufacture of tea from the leaf of tea plants. The original decisions came into force on August 1, 1945, and the latest new decisions relating to an increase in the basic rates came into force on December 1, 1949.

Part I

Direction under section 20 (2) (b)

The special allowance shall be computed and published monthly by the Controller of Labour.

The special allowance for a normal working day in any month shall be computed on the cost of living index number for the month immediately preceding that month.

Definition of a normal working day (section 24)

The number of hours constituting a normal working day (inclusive of one hour for a meal) shall be nine.

Part II

The minimum time rate shall consist of—

- (1) a basic rate, and
- (2) a special allowance, as set out hereunder.

<i>Class of Worker</i>	<i>Basic Rate for a normal working day</i>	<i>Rate of Special Allowance for a normal working day in any month</i>	
Where the cost of living index number for the preceding month is 215, the special allowance shall be—			
		for a male worker not under 16 years of age .. 67 cents	
		for a female worker not under 15 years of age .. 54 cents	
		for a child worker .. 47 cents	
Where the cost of living index number for the preceding month is above or below 215, the rates of the special allowance hereinbefore prescribed shall be increased or decreased, as the case may be, for each complete unit of 5 points by which the index number exceeds or falls short of 215 (no account being taken of any fraction of that unit) by an amount computed at the rates set out hereunder as illustrated in tables below*.			
		3 cents in the case of a male worker not under 16 years of age.	
		2 cents in the case of a female worker not under 15 years of age.	
		2 cents in the case of a child worker.	
* <i>Tables illustrating the application of the preceding paragraph.</i>			
1.—Special allowance in the event of a rise in the index number.			
<i>Special allowance</i>			
<i>Index numbers</i>	<i>for a male worker not under 16 years of age.</i>	<i>for a female worker not under 15 years of age.</i>	<i>for a child worker</i>
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
215–219 ..	67	54	47
220–224 ..	70	56	49
225–229 ..	73	58	51
230–234 ..	76	60	53
235–239 ..	79	62	55

Basic Rate
Class of Worker for a normal working day 2.—Special allowance in the event of a fall in the index number.

	Basic Rate	Index numbers	Special allowance		
			for a male worker not under 16 years of age.	for a female worker not under 15 years of age.	for a child worker
			Cents	Cents	Cents
Male worker not under 16 years of age ..	75 cents	215-211 ..	67	54	47
Female worker not under 15 years of age ..	60 cents	210-206 ..	64	52	45
Child worker ..	50 cents	205-201 ..	61	50	43
		200-196 ..	58	48	41
		195-191 ..	55	46	39

“Child worker” means a male worker under 16 years of age or a female worker under 15 years of age.

Notwithstanding anything to the contrary contained in the preceding provisions of this Part, the minimum time rate for any worker engaged in plucking on a Sunday or for any worker (kangany) engaged in supervising such plucking on that day shall be one and a half times the minimum time rate fixed for such worker in respect of a normal working day.

Part III

Overtime Rates

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be the minimum hourly rate (ascertained by dividing the daily minimum time rate by 8) increased by—

- 25 per cent. of such minimum hourly rate, in case such work is performed between the hours 7 a.m. and 7 p.m.; and
- 50 per cent. of such minimum hourly rate, in case such work is performed between the hours 7 p.m. and 7 a.m.

In the computation of the overtime rate—

- a fraction of a cent which is less than one-half of a cent shall not be taken into account;
- one-half of a cent shall be calculated according to the even number rule, that is, to the nearest even number; and
- a fraction of a cent which is greater than one-half of a cent shall be counted as one cent.

Notwithstanding anything to the contrary contained in the preceding provisions of this Part, the minimum overtime rate for any worker engaged in plucking on a Sunday or for any worker (kangany) engaged in supervising such plucking on that day shall, in respect of each hour of work in excess of the normal working day, be twice the minimum hourly rate applicable to him (such hourly rate being ascertained by dividing the daily minimum time rate applicable to him by 8).

Weekly Holiday (section 24)

Every employer shall allow each Sunday as the weekly holiday to all workers employed under him: Provided, however, that an employer may employ any worker on a Sunday, subject to the conditions—

- that a day within the six days next succeeding such Sunday shall be allowed to that worker as a holiday;

(2) that in respect of work done on a Sunday—

- (a) a worker who has worked for 9 hours (inclusive of one hour for a meal) or for any period that falls short of nine hours by reason of the failure of the employer to provide him with work, shall be remunerated at $1\frac{1}{2}$ times the minimum rate of wages for a normal working day,
- (b) a worker who has worked for less than 9 hours (inclusive of one hour for a meal) by reason of his unwillingness to work, shall, for each hour that he has worked, be paid $1\frac{1}{2}$ times the hourly rate (ascertained by dividing the minimum rate of wages for a normal working day by 8),
- (c) a worker who has worked for more than 9 hours (inclusive of one hour for a meal) shall be remunerated at twice the hourly rate (ascertained by dividing the minimum rate of wages for a normal working day by 8) for each hour of work in excess of 9 hours;

and (3) that the remuneration due to a worker for work done on the weekly holiday during any period shall be paid within the time prescribed for the payment of wages for such period by section 2 (b) of the Wages Boards Ordinance.

The preceding provisions of this paragraph shall not apply to workers engaged in plucking or to workers (kanganies) engaged in supervising such plucking.

Annual Holidays (section 25)

1. (a) If a male worker of not less than 16 years of age has been in continuous employment under the same employer and has worked for more than 228 days in any year (hereinafter called the "qualifying year"), he shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of five days by which the number of days on which the worker has worked exceeds 228: Provided, however, that it shall not be obligatory on any employer to allow any such holiday in respect of any period of work in excess of 228 days.

(b) If a female worker or a child worker has been in continuous employment under the same employer and has worked for more than 204 days in any year (hereinafter called the "qualifying year"), such worker shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of five days by which the number of days on which the worker has worked exceeds 204: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 264 days.

2. (i) If a worker is entitled in any year to seven holidays he shall be allowed, and he shall take, those seven holidays on consecutive days.

(ii) If a worker is entitled in any year to more than seven holidays he shall be allowed, and he shall take, at least seven of those holidays on consecutive days.

3. Subject to the provisions of paragraph 2, a worker shall be allowed his holiday or holidays on a day or days to be mutually agreed upon between him and his employer.

4. (1) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 1 (including a holiday which such worker is entitled to under that paragraph read with paragraph 6 (a)), by reason of work performed during the preceding year, shall be his average daily wages ascertained by dividing his total wages (exclusive of overtime and bonuses) earned by him during that year by the number of days on which the worker has actually worked during that year.

(2) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 6 (b), by reason of work performed during the current year, shall be his average daily wages ascertained by dividing his total wages (exclusive of overtime and bonuses) earned by him during the current year by the number of days on which the worker has actually worked during that year.

5. The remuneration due to a worker in respect of his holiday or holidays shall be paid to him before such holiday or holidays, but not earlier than 10 days before such holiday or holidays.

6. Where a worker intends to leave his employment of his own accord or is to be discontinued or dismissed from employment, such worker shall be entitled to take and shall take, during the period immediately preceding such leaving, discontinuance or dismissal—

(a) every holiday that he was entitled to in respect of the previous year which he has not already taken; and

(b) in case the worker has during the current year, complied with the provisions relating to employment and work set out in paragraph 1, every holiday that he would have otherwise been entitled to in the next succeeding year;

and he shall be remunerated for such holidays in accordance with the provisions of paragraph 4 :

Provided, however, that the total number of holidays that such a worker might take in any year shall not exceed twenty-one.

7. For the purposes of the foregoing provisions—

“child worker” means a male worker under 16 years of age or a female worker under 15 years of age;

“days on which the worker has worked” shall be deemed to include—

(i) every holiday allowed by the employer to the worker under section 25;

(ii) every holiday or day of absence from work to which a worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance;

(iii) every day of absence on any grounds approved by the employer other than absence from the Island except on a holiday allowed by the employer under section 25;

(iv) every day of absence due to any injury to the worker caused by an accident arising out of and in the course of his employment, provided such injury had been notified to the employer;

(v) every day of absence due to the disease of anthrax or due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Cap. 117);

(vi) every day on which the employer fails to provide work for the worker; and

(vii) every day of absence due to a strike or lockout that is not illegal, in case such days do not in the aggregate exceed 30 days a year;

but shall not include the day fixed as the weekly holiday under section 24;

“year” means a continuous period of 12 months.

8. The foregoing decisions shall not apply in respect of employment at any time more than 12 months prior to the date on which the decisions come into force.

DECISIONS OF THE WAGES BOARD FOR THE RUBBER GROWING AND MANUFACTURING TRADE (MADE IN NOVEMBER, 1949)

The following decisions are applicable to the trade consisting of the raising and maintenance of a rubber plantation of twenty-five acres or over in extent and the manufacture of marketable rubber from the latex of the rubber plant. These decisions came into force on 1st December, 1949.

Part I

Direction under Section 20 (2) (b)

The special allowance shall be computed and published monthly by the Commissioner of Labour.

The special allowance for a normal working day in any month shall be computed on the cost of living index number for the month immediately preceding that month.

Definition of a normal working day (section 24)

The number of hours constituting a normal working day (inclusive of one hour for a meal) shall be nine.

Part II

The minimum rate of wages for time work shall consist of—

- (1) a basic rate, and
- (2) a special allowance, as set out hereunder.

1	2	3																												
<i>Class of Worker</i>	<i>Basic Rate for a normal working day</i>	<i>Rate of Special Allowance for a normal working day in any month</i>																												
		Where the cost of living index number for the preceding month is 215, the special allowance shall be— for a male worker not under 16 years of age .. 67 cents for a female worker not under 15 years of age .. 54 cents for a child worker .. 47 cents Where the cost of living index number for the preceding month is above or below 215, the rates of the special allowance hereinbefore prescribed shall be increased or decreased, as the case may be, for each complete unit of 5 points by which the index number exceeds or falls short of 215 (no account being taken of any fraction of that unit) by an amount computed at the rates set out hereunder as illustrated in tables below *.																												
Male worker not under 16 years of age ..	58 cents	3 cents in the case of a male worker not under 16 years of age.																												
Female worker not under 15 years of age ..	46 cents	2 cents in the case of a female worker not under 15 years of age.																												
Child worker ..	41 cents	2 cents in the case of a child worker.																												
		* <i>Tables illustrating the application of the preceding paragraph.</i>																												
		1.—Special allowance in the event of a rise in the index number.																												
		<i>Special allowance</i>																												
		<i>Index numbers</i>																												
		<table><tr><th></th><th><i>for a male worker not under 16 years of age.</i></th><th><i>for a female worker for a child not under 15 years of age.</i></th><th><i>for a child worker.</i></th></tr><tr><th></th><th><i>Cents</i></th><th><i>Cents</i></th><th><i>Cents</i></th></tr><tr><td>215-219 ..</td><td>67</td><td>54</td><td>47</td></tr><tr><td>220-224 ..</td><td>70</td><td>56</td><td>49</td></tr><tr><td>225-229 ..</td><td>73</td><td>58</td><td>51</td></tr><tr><td>230-234 ..</td><td>76</td><td>60</td><td>53</td></tr><tr><td>235-239 ..</td><td>79</td><td>62</td><td>55</td></tr></table>		<i>for a male worker not under 16 years of age.</i>	<i>for a female worker for a child not under 15 years of age.</i>	<i>for a child worker.</i>		<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	215-219 ..	67	54	47	220-224 ..	70	56	49	225-229 ..	73	58	51	230-234 ..	76	60	53	235-239 ..	79	62	55
	<i>for a male worker not under 16 years of age.</i>	<i>for a female worker for a child not under 15 years of age.</i>	<i>for a child worker.</i>																											
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>																											
215-219 ..	67	54	47																											
220-224 ..	70	56	49																											
225-229 ..	73	58	51																											
230-234 ..	76	60	53																											
235-239 ..	79	62	55																											

Class of Worker *Basic Rate
for a normal
working day*

*Rate of Special Allowance for a normal working day
in any month*

2.—Special allowance in the event of a fall in the index number.

	Index numbers	Special allowance		
		for a male worker not under 16 years of age.	for a female worker not under 15 years of age.	for a child worker
		Cents	Cents	Cents
Male worker not under 16 years of age .. 58 cents	215-211 ..	67	54	47
Female worker not under 15 years of age .. 46 cents	210-206 ..	64	52	45
Child worker .. 41 cents	205-201 ..	61	50	43
	200-196 ..	58	48	41
	195-191 ..	55	46	39

"Child worker" means a male worker under 16 years of age or a female worker under 15 years of age.

Notwithstanding anything to the contrary contained in the preceding provisions of this Part, the minimum time rate for any worker engaged on a Sunday in tapping or in collecting scrap and latex or in straining latex or for any worker (kangany) engaged in supervising such work on that day shall be one and a half times the minimum time rate fixed for such worker in respect of a normal working day.

Part III

Overtime Rates

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be the minimum hourly rate (ascertained by dividing the daily minimum rate of wages for time work by 8) increased by—

- 25 per cent. of such minimum hourly rate, in case such work is performed between the hours 7 a.m. and 7 p.m.; and
- 50 per cent. of such minimum hourly rate, in case such work is performed between the hours 7 p.m. and 7 a.m.

In the computation of the overtime rate—

- a fraction of a cent which is less than one-half of a cent shall not be taken into account;
- one-half of a cent shall be calculated according to the even number rule, that is, to the nearest even number; and
- a fraction of a cent which is greater than one-half of a cent shall be counted as one cent.

Notwithstanding anything to the contrary contained in the preceding provisions of this Part, the minimum overtime rate for any worker engaged on a Sunday in tapping, or in collecting scrap and latex or in straining latex or for any worker (kangany) engaged in supervising such work on that day shall, in respect of each hour of work in excess of the normal working day, be twice the minimum hourly rate applicable to him (such hourly rate being ascertained by dividing the daily minimum time rate applicable to him by 8).

Part IV

Weekly holiday (section 24)

Every employer shall allow each Sunday as the weekly holiday to all workers employed under him: Provided however, that an employer may employ any worker on a Sunday, subject to the conditions—

- that a day within the six days next succeeding such Sunday shall be allowed to that worker as a holiday;

(2) that in respect of work done on such Sunday—

- (a) a worker who has worked for 9 hours (inclusive of one hour for a meal) or for any period that falls short of nine hours by reason of the failure of the employer to provide him with work shall be remunerated at $1\frac{1}{2}$ times the minimum rate of wages for a normal working day;
- (b) a worker who has worked for less than 9 hours (inclusive of one hour for a meal) by reason of his unwillingness to work, shall for each hour that he has worked, be paid $1\frac{1}{2}$ times the hourly rate (ascertained by dividing the minimum rate of wages for a normal working day by 8);
- (c) a worker who has worked for more than 9 hours (inclusive of one hour for a meal) shall be remunerated at twice the hourly rate (ascertained by dividing the minimum rate of wages for a normal working day by 8) for each hour of work in excess of 9 hours; and

(3) that the remuneration due to a worker for work done on the weekly holiday during any period shall be paid within the time prescribed for the payment of wages for such period by section 2 (b) of the Wages Boards Ordinance.

The preceding provisions of this Part shall not apply to workers engaged in tapping or in collecting scrap and latex or in straining latex or to workers (kanganies) supervising such work.

Annual holidays (section 25)

1. (a) If a male worker of not less than 16 years of age has been in continuous employment under the same employer and has worked for more than 228 days in any year (hereinafter called the "qualifying year"), he shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of 1 holiday for each unit of 5 days by which the number of days on which the worker has worked exceeds 228: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 288 days.

(b) If a female worker or a child worker has been in continuous employment under the same employer and has worked for more than 204 days in any year (hereinafter called the "qualifying year"), such worker shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of 1 holiday for each unit of 5 days by which the number of days on which the worker has worked exceeds 204: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 264 days.

2. (i) If a worker is entitled in any year to seven holidays he shall be allowed, and he shall take those seven holidays on consecutive days.

(ii) If a worker is entitled in any year to more than seven holidays he shall be allowed, and he shall take, at least seven of those holidays on consecutive days.

3. Subject to the provisions of paragraph 2, a worker shall be allowed his holiday or holidays on a day or days to be mutually agreed upon between him and his employer.

4. (1) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 1 (including a holiday which such worker is entitled to under that paragraph read with paragraph 6 (a)), by reason of work performed during the preceding year, shall be his average daily wages ascertained by dividing his total wages (exclusive of overtime and bonuses) earned by him during that year by the number of days on which the worker has actually worked during that year.

(2) The remuneration payable in respect of each holiday which a worker is entitled to under paragraph 6 (b), by reason of work performed during the current year, shall be his average daily wages ascertained by dividing his total wages (exclusive of overtime and bonuses) earned by him during the current year by the number of days on which the worker has actually worked during that year.

5. The remuneration due to a worker in respect of his holiday or holidays shall be paid to him before such holiday or holidays, but not earlier than 10 days before such holiday or holidays.

6. Where a worker intends to leave his employment of his own accord or is to be discontinued or dismissed from employment, such worker shall be entitled to take and shall take, during the period immediately preceding such leaving, discontinuance or dismissal—

- (a) every holiday that he was entitled to in respect of the previous year which he has not already taken; and
- (b) in case the worker has during the current year, complied with the provisions relating to employment and work set out in paragraph 1, every holiday that he would have otherwise been entitled to in the next succeeding year;

and he shall be remunerated for such holidays in accordance with the provisions of paragraph 4:

Provided, however, that the total number of holidays that such a worker might take in any year shall not exceed twenty-one.

7. For the purposes of the foregoing provisions—

“child worker” means a male worker under 16 years of age or a female worker under 15 years of age;

“days on which the worker has worked” shall be deemed to include—

- (i) every holiday allowed by the employer to the worker under section 25;
- (ii) every holiday or day of absence from work to which a worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance;
- (iii) every day of absence on any grounds approved by the employer other than absence from the Island except on a holiday allowed by the employer under section 25;
- (iv) every day of absence due to any injury to the worker caused by an accident arising out of and in the course of his employment, provided such injury had been notified to the employer;
- (v) every day of absence due to the disease of anthrax or due to any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Chapter 117);
- (vi) every day on which the employer fails to provide work for the worker; and
- (vii) every day of absence due to a strike or lockout that is not illegal, in case such days do not in the aggregate exceed 30 days a year;

but shall not include the day fixed as the weekly holiday under section 24;

“year” means a continuous period of 12 months.

8. The foregoing decisions shall not apply in respect of employment at any time more than 12 months prior to the date on which the decisions come into force.

THE EMPLOYMENT SERVICE

THE fact has been increasingly appreciated that an efficient and capable Employment Service is essential to successful economic development and to the solution of manpower problems which arise out of this development. The absence of such an institution can only mean that the planning authority of a country is handicapped by a lack of detailed information as to the country's manpower problems whilst the community as a whole suffers due to inefficient correlation between labour supply and demand. The Public Employment Service has, therefore, an important part to play in the Six Year Plan which the Government of the country has outlined in its desire to reach the goal of full employment.

The Employment Service in this country is just over a decade old but has already to its credit a very satisfactory period of service to the country. The earliest recorded move towards the setting up of an Employment Service was the suggestion made in Ceylon Sessional Paper VII of 1937 that an Employment Bureau should be established. This suggestion eventually materialised as a part of the Labour Department when an Employment Exchange was established in Colombo in 1938. The Government warmly supported the advent of this Service by its determination to secure the recruitment of certain classes of workers exclusively through this institution. Another Exchange was established in Kandy but the impact of World War II and the abundance of employment opportunities that it brought in its wake hampered the development of the Employment Service for a few years. With the cessation of hostilities in 1945, a large scale demobilization of service personnel and discontinuance of workers from emergency Undertakings of Government emphasised the need for a live and efficient Service to facilitate the re-settlement of the population in normal peace time avenues of employment. To meet this need an immediate expansion of the Employment Service was decided upon and the Service today consists of a Central Employment Exchange situated in Colombo, 12 area Exchanges situated in Colombo and other important Districts, 8 branch Exchanges and 4 Registration Centres. There is also a specialised Exchange dealing exclusively with women situated in the city of Colombo.

If the work of the Employment Service is to be properly appreciated, it is necessary that some conception of what its functions are should be formed. The primary functions of the Employment Service are those which relate to the collection of information and the placement of workers in employment. The Service, however, is often called upon to perform a variety of additional duties which may be occasioned by normal conditions or by specific circumstances. Up-to-date information about the trend of employment and the requirements of different industries is absolutely essential, not merely for the sake of directing workers into employment but to enable the planning of the economic development of the country in relation to its manpower resources. The work of the Employment Service relating to the collection of information is still in the initial stages but what is important is that a beginning has been made and the work is being pressed forward.

The major task which the Employment Service in the country handles today is its placement work, i.e., the work of bringing together employers in need of suitable workers and workers suited to fill these vacancies who are in need of work. The first step is a careful recording of the occupational qualifications, ability and experience of the workers together with their personal preferences for employment. These records are carefully and systematically classified under occupational groups for the purpose of enabling the Officers of the Exchange Service to match employers' requirements with the raw material available. The other side of placement work is the recording of employers' requirements showing job classifications as minutely as possible. These requirements are then matched against the

available workers by the Officers of the Exchange and the employer is furnished with suitable candidates from amongst whom he could select the workers best suited to his requirements. This work of placement means to the worker that he is enabled, as easily as is possible, to ascertain where employment best suited to his need is available and to the employer that he can secure the right man to fill his job with a minimum of delay and administrative inconvenience—not to mention the saving effected on advertisement and other charges.

The half-yearly figures of unemployed persons in the Island as ascertained from the registers maintained at the Employment Exchanges are given below:—

I—Table showing Male Unemployed Persons classified by Age Groups and Duration of Unemployment as on June 30, 1949

	<i>Under 18 years</i>	<i>18 and under 21 years</i>	<i>21 and under 41 years</i>	<i>41 and under 56 years</i>	<i>56 and over</i>	<i>Total</i>
Under 3 months	513	4,428	18,981	1,863	66	25,851
3 and under 6 months	302	2,421	10,175	906	28	13,832
6 and under 9 months	191	1,333	6,230	570	6	8,330
9 months and under 1 year	191	1,230	5,452	546	22	7,441
1 and under 2 years	224	1,508	6,268	503	16	8,519
2 years and over	16	62	332	26	2	438
Total	1,437	10,982	47,438	4,414	140	64,411

Of the 64,411 male unemployed persons in the Island 38,354 or 60 per cent. were from Colombo. There were 4,906 Technical and Clerical workers. 11,979 skilled, 12,786 semi-skilled and 34,740 unskilled workers out of the total of 64,411 unemployed.

It may also be noted that of the 64,411 males, 25,851 or 40 per cent. are persons who have recently been thrown out of employment or are seeking employment for the first time as their registration dates were less than three months old and 12,419 or 19 per cent. of the total number of unemployed are under 21 years of age.

II—Table showing Female Unemployed Persons classified by Age Groups and Duration of Unemployment as on June 30, 1949

	<i>Under 18 years</i>	<i>18 and under 21 years</i>	<i>21 and under 41 years</i>	<i>41 and under 56 years</i>	<i>56 and over</i>	<i>Total</i>
Under 3 months	55	120	1,113	152	1	1,441
3 and under 6 months	43	177	972	282	—	1,474
6 and under 9 months	46	51	407	42	—	546
9 months and under 1 year	23	38	282	19	—	362
1 and under 2 years	14	10	98	10	—	132
2 years and over	32	—	3	—	—	35
Total	213	396	2,875	505	1	3,990

Of the 3,990 female unemployed, 383 were Technical and Clerical workers, 197 skilled, 737 semi-skilled and 2,673 unskilled workers.

In the period January 1 to November 30, 1949, the Employment Service received 3,837 orders for 19,471 workers and were able to place 13,834 workers.

In carrying out its work the Employment Service is faced with certain difficulties, chief among them being the traditional prejudice against the departure from long-established recruiting methods and the acceptance of the more advanced method of recruitment through the Employment

Service. The lack of accepted standards of assessment of occupational skill, is a handicap which Employment Services in most Eastern countries suffer. This, in time will be remedied by the development of Training and Trades Testing facilities in the Island. The International Labour Organisation has stressed the value of co-operation in the work of the Employment Service by organisations of employers and workers and when this co-operation is sufficiently forthcoming, it will in a large measure help to secure a wider use of the service provided.

It has been pointed out earlier that the Employment Service is an important cog in the development of manpower policy but it must be realised that an Employment Service cannot of itself create employment opportunities directly. The creation of employment opportunities is the result of economic planning and development and the function of the Employment Service is to co-ordinate the manpower requirements of this development with the manpower resources of the country. Its function is to relate existing opportunities and make available workers to fill those vacancies. With this objective in view the Employment Service in this country is striving to contribute its share towards the successful realization of the Government's development plans.

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TRADE UNIONS AND INDUSTRIAL RELATIONS IN CEYLON

TRADE Unionism in Ceylon emerged around the year 1922 with the birth of the Ceylon Labour Union. For a number of years this Union held sway. During the period 1927 to 1928 the All Ceylon Trade Union Congress was established with seven Unions affiliated to it, including the Ceylon Labour Union.

The Trade Unions in existence had, at various times, dealings with individual employers but it was not until June, 1929, that the relations between employers and workers assumed any definite pattern. In June, 1929, the All Ceylon Trade Union Congress entered into an agreement with the Employers' Federation of Ceylon by which a definite procedure for the peaceful settlement of industrial disputes was agreed upon. The terms of this Agreement were, broadly, that no strike would be called without an attempt first being made to arrive at a settlement with the employer concerned by negotiation. In the event of such negotiation being abortive, the Congress further undertook that a strike would not be called until the Employers' Federation had been given not less than 7 days' notice of the intention to call a strike and that too in writing. The parties to the Agreement also pledged themselves to do all in their power to assist in arriving at a settlement, whenever possible, in the event of disputes arising. This Agreement, of course, was applicable to industrial establishments having membership in the Employers' Federation of Ceylon.

Conditions in the plantation industries were generally peaceful until about the year 1930. Early in 1930 the effects of the economic depression were being felt and the collapse of the Rubber market resulted in cuts being effected in the wages of Rubber plantation workers, which brought down wage levels to the bare legal minimum. Difficulties became accentuated in the Kalutara District when two sudden cuts were made bringing down wages of a tapping force which had been paid comparatively high wages, to almost the bare legal minimum, which was much lower. This led to several strikes and labour discontent appeared throughout the district.

The first Trade Union catering to plantation workers was the All Ceylon Indian Estate Labour Federation which was formed in 1931. Employers were at the beginning inclined to view this Union with considerable apprehension which increased as the Union's activities expanded and its popularity among estate workers increased. The Union flourished until about 1939 when it was gradually edged out by the Ceylon Indian Congress Labour Union. Although there was unrest among labour on Rubber Estates as early as 1930, there was no marked indication of such unrest among labourers on Tea Estates during the period up to 1937. The first strike on a Tea Estate occurred in 1938 and was the forerunner of a spate of such strikes.

The Ceylon Indian Congress Labour Union was established in 1939 and immediately commenced to gain considerable support throughout the planting districts. About the same time the Estate Workers Union also came into being and received a fair amount of support among plantation workers.

Strikes and unrest among plantation workers indicated the need for some form of agreement between employers and workers in these industries on the lines of the one entered into in 1929 in respect of industrial workers. The Employers Organisations and Trade Unions operating in respect of plantation industries, however, were able to effect an agreement in 1940 which came to be popularly known as the "Seven Point Agreement". The Agreement drew its name from the fact that it contained seven points on which agreement was reached and which were as follows:—

- (1) The representatives of planting industries agreed to recognise the right of workers to combine by the formation of Unions

and also agreed to negotiate with representatives of such Unions in respect of any demands formulated by such Unions, provided they were registered;

- (2) The representatives of the Workers' Unions present agreed that, in the event of any dispute between the Estate Management and the workers, the demands of the workers should first be submitted by the Union in writing to the Estate Management before any action by way of strike or otherwise is taken by the Union;
- (3) Whenever any Union decided to intervene or the Superintendent is given notice of a dispute, the Labour Department should be informed immediately so that assistance of the right kind can be obtained at the earliest state "as there are frequent occasions when tactful and experienced officers can assist by bringing the parties together or by putting before either party aspects of the other's cause which may have been overlooked or even by suggesting possible lines of compromise";
- (4) Notices to quit shall be in writing. In the case of a dispute arising from a notice to quit, the Trade Union, which desires to take up the matter shall indicate to the Superintendent in writing, within ten days from the receipt by the labourer of the written notice to quit, that it is interested in the dispute. Within a period of ten days from the receipt of this indication by the Superintendent, such Union shall submit in writing to the Superintendent its representations, copies of which shall be sent to the Labour Department. Within a period of seven days after these representations have been received by the Superintendent, a Conference (if necessary or desirable under the Chairmanship of an officer of the Labour Department) shall take place between the parties to the dispute;

If no Conference has been held and if no negotiations have been started within the final period of seven days referred to above, the Controller may, if he thinks a useful purpose will be served thereby, appoint within three days of the termination of this period of seven days a Board of Conciliation, as provided for in item 7 of this Agreement;

In the case of disputes other than those arising from a notice to quit, representations, copies of which shall be sent to the Labour Department, may be made by any Trade Union at any time, provided that a Conference shall in such cases take place within fourteen days of the submission of written representations by the Union. The proposals for a Conciliation Board as above set forth apply to these disputes also;

- (5) Every agreement arrived at as a result of negotiation, as indicated above, shall be signed by the representatives of employers and the Union and registered with the Department of Labour, and shall be operative until one month's notice of repudiation shall be given by any party deciding to terminate the agreement. The breach of the terms of such voluntary agreement will be made punishable, and the offender will be liable to criminal prosecution and punishment;
- (6) In the event of the Trade Union being unable to get all its members to agree with the terms of such Agreement, the employers were at liberty to take such action as they considered necessary in respect of the dissentients;

- (7) If, as a result of negotiation no settlement is reached, the Department of Labour will have the right to appoint a Conciliation Board. If the award of such a Board is accepted by the parties, such award will have the same effect as a voluntary agreement reached after negotiation. Where the Conciliation Board has failed, the Department may appoint a Board of Arbitration, provided that the parties ask for such appointment and agree to abide by the award of such Board. Such award shall be enforced as in the case of a voluntary agreement.

The adoption of this Industrial pact was the beginning of a period of comparative calm in plantation industries as many disputes were settled round the Conference table instead of by strikes.

While strikes on estates showed a tendency to decrease there was an increase of strikes in industrial establishments in the year 1941. By this time a number of other unions had come into the field and there were no less than 17 unions operating under the aegis of a new federation of Trade Unions known as the All Ceylon Trade Union Federation. The primary cause of this spate of strikes in industrial establishments was claimed to be the inadequacy of wage levels to meet the increased cost of living occasioned by wartime conditions. Meanwhile expanding war-time activities had imposed its strain on the labour market and it became necessary to provide for the prompt settlement of industrial disputes so as not to allow unrest to impede the war effort.

The only law in force in regard to the settlement of disputes was the Industrial Disputes (Conciliation) Ordinance, No. 3 of 1931. This Ordinance provided for (1) the appointment of Commissions by the Governor for investigating trade disputes and (2) the appointment of Conciliation Boards by the Commissioner of Labour to effect settlement of industrial disputes. The main snag regarding settlement of disputes under this Ordinance is that the recommendations for the settlement of disputes are not binding on the parties to the dispute unless accepted by the parties within 14 days of the publication of the Conciliation Board's award. As more definite action was necessary the Essential Services (Avoidance of Strikes and Lockouts) Order of 1942 was promulgated under the Defence Regulations. Most of the important industries including *plantation industries were declared essential services and workers employed in them were deprived of the right to strike. The 'Avoidance of Strikes and Lockouts Order' was intended to compensate workers for the loss of their right to strike and employers for the loss of their right to lockout a militant labour force. Under the terms of this Order, workers and employers were given the right to apply to the Commissioner of Labour for the referral of disputes to a District Judge or a specially appointed Arbitrator for adjudication. The award of this District Judge or Adjudicator was binding not only on the parties to the dispute but on all employers of similar workers within the judicial district in which the award was made. Although this provision was belittled by Trade Unions, its effects were on the whole to their advantage. Unions which normally in their nascent state would not have been strong enough to obtain their demands under the procedure of collective bargaining, were enabled by resort to compulsory arbitration to obtain substantial benefits for their members in essential services. With the end of the war this provision ceased to apply to most of the trades but the benefits obtained have, in a large measure, continued to operate in a number of industries.

The employers on estates were, until about 1944, represented by the Planters' Association of Ceylon, the Ceylon Estates Proprietary Association and the Low Country Products Association. It was subsequently felt that the interest of plantation employers in the field of industry could be better looked after by a Trade Union of such employers and these employers

combined to form a separate organisation which is known as the Ceylon Estates Employers Federation. The year 1945 saw the growth of several new Workers' Unions and the formation of a new Federation—The Ceylon Federation of Labour. The present position is that there are five major Workers' Trade Union Groups, viz.: All Ceylon Trade Union Congress; Ceylon Indian Congress Labour Union; Ceylon Trade Union Federation; Ceylon Federation of Labour and the Industrial & Estate Workers' Union.

In 1946 the Ceylon Estates Employers' Federation expressed dissatisfaction with the working of the Seven Point Agreement and during the course of the year decided to rescind it. The present position is that employers are no longer bound to attend a Conference for discussion of disputes but generally speaking are willing to do so if they feel that it would be advantageous to do so. The Department of Labour has played an important part in the settlement of disputes.

Since the end of the war the need for legislative progress in the industrial relations field has been felt and a new Industrial Disputes Ordinance is at present under consideration. The proposed Ordinance will provide for the arbitration of industrial disputes both voluntarily and compulsorily and also invests Labour Officers with wider powers for the investigation and settlement of such disputes.

In recent years there has been an attempt at forming a joint Industrial Council. The Council now in operation was formed by the Ceylon Estate Staffs Union and the Ceylon Estates Employers' Federation in 1947. It has already achieved some measure of success and has succeeded in fixing terms and conditions of employment of subordinate staff on estates.

THE WORKING OF THE SHOPS ORDINANCE IN CEYLON

THE Shops Ordinance came into force on August 1, 1939, and the Regulations under the Ordinance on October 1, 1939. A Closing Order was made on July 23, 1940, applicable to the shops within the administrative limits of the Municipal Councils of Colombo, Kandy and Galle, and subsequently other Closing Orders were made applicable to Urban Council areas in the Island.

The object of the Ordinance is to secure for shop employees reasonable hours of work and healthful working conditions.

The normal hours of work for shop assistants under the Ordinance are 8 on any one day and 45 in any one week. Shop assistants may be employed overtime but by Regulations under the Ordinance the number of hours overtime work is limited to 12 hours in any one week. For overtime work payment in addition to the ordinary wages at $1\frac{1}{4}$ times the normal has to be made. The period of employment on any day should be continuous without interruption except for intervals for meals and rest which are provided for in the Ordinance. Provision is also available for weekly and annual holidays with full wages. In each week a whole day's holiday and a half a day's holiday commencing not later than 2 p.m. are allowed to every employee. Annually every employee is entitled to a holiday of seven consecutive days and leave up to 14 days.

There are special provisions relating to the employment of young persons, children and women in shops. No person under 14 years may be employed in a shop. The employment of persons between the ages 14 and 18 and of females of 18 years and over before 6 a.m. and after 6 p.m. is prohibited with one exception, namely, women of 18 years and over may be employed up to 10 p.m. in hotels and restaurants.

The Minister is empowered under the Ordinance to make a Closing Order, i.e., an order restricting the hours of work during which shops may be open for the serving of customers in a named area. The order may be made only after objections to such an order from the public have been invited and considered. The order becomes effective after due approval by Parliament and ratification by the Governor-General. By the expedient of a Closing Order the hours worked by shop assistants are controlled in a convenient manner. Two Orders—one for the Municipal areas and the other for the Urban Council areas—are in existence. The normal hours during which shops in the Municipal areas may remain open for the serving of customers are 9 a.m. to 6 p.m. on all days except Saturdays and Sundays, and 9 a.m. to 2 p.m. on Saturdays. Sunday is a day on which shops have to remain closed for the whole day. Certain classes of shops, such as restaurants, hotels, cinemas, petrol stations, are exempted from the Closing Order. Certain other classes are allowed extended hours of business.

The Ordinance contains provisions dealing with arrangements for the health and comfort of shop assistants. These provisions apply to all shops, i.e., any premises in which any retail or wholesale trade or business is carried on and includes any premises in which the business of a barber or hair-dresser or the sale of articles of food or drink is carried on; but does not include any prescribed premises or any premises in which any prescribed trade or business is carried on. (Vide section 31 sub-section 1.) The health and sanitary provisions were not strictly in force in the past because of the housing shortage and accommodation difficulties during the war and post-war years. The full implementation of the health and sanitary provisions of the Shops Ordinance is being given effect to from the January 1, 1950. These provisions deal mainly with lighting and ventilation, sanitary conveniences, washing facilities and facilities for the taking of meals. No employee is permitted to reside in the shop in terms of these provisions.

The Commissioner of Labour is charged with the administration of the Shops Ordinance. He and his Assistants have powers of entry and inspection. In actual practice the Labour Inspectors do the bulk of the inspections and enforce the Closing Order. During these shop inspections the Inspectors see that the provisions relating to the hours of work, holidays, &c., are observed, and that proper records are maintained. The policy of the Department with regard to the enforcing of the Shops Ordinance tends more towards educating the employer and persuading him to treat his employees with consideration, but does not hesitate to take to Court inconsiderate employers.

The Ordinance has been in operation for about 10 years in the Municipal areas and for about 5 years in the Urban Council areas. It may be asked whether this Ordinance has brought real benefits to the shop assistants whose lot it was intended to improve. It can be said that it has to a reasonable extent. The Ordinance did not seek to fix minimum wages to shop employees. With the stricter enforcement of the holiday and sanitary provisions and desirable amendments to the Ordinance in the light of past experience in the working of this Ordinance, better results are expected in the near future.

However perfect the legislation and however large the inspectorate may be, unless social legislation is understood and desired by the society it is intended to serve, it will not produce satisfactory results. There is great need for the fuller education of the public on the purpose and needs of such social legislation and there is as great a need for the workers to learn to help themselves and for the employers to be considerate to the workers.

INDIAN IMMIGRANT LABOUR

Early Days of Immigration to Ceylon

THE three main agricultural industries in Ceylon which have been closely linked with the employment of Indian labour, are Coffee, Tea, and Rubber. Coffee was brought to Ceylon about the year 1690, but no attempt to grow it commercially was made until 1820. However, by 1825 it had become an established industry and in 1827 about 6,000 cwt. of coffee were exported. The export of coffee had risen to a million cwt. in 1874; but in that year the industry was smitten with Leaf Disease (*Henelia Vastatrix*) and practically wiped out of existence.

In considering the relative volume of Indian Immigrant Labour it is interesting to note that in 1827, the Estate Indian population numbered 10,000, but by 1846 this figure had increased to 80,000.

As the coffee industry began to die so the commercial cultivation of tea came to life, starting as it did in 1867; a few years before coffee became extinct.

In 1873 the inconsiderable amount of 23 lb. of tea was exported; but in 1931, this small beginning had increased to 244 million lb.

It has to be noted that by 1931, a semi-permanent estate population of South Indian labourers numbering approximately 600,000 had become a feature of the Island's life. This labour was employed not only in the Tea Industry but also in the collateral industry of rubber. In 1898 the cultivation of rubber received a great impetus owing to a large demand caused by the sudden development of the motor trade and made rapid strides in Ceylon, not to mention Malaya, Sumatra, Java, Burma, and South India.

In 1900* only a few hundred acres in Ceylon were under rubber cultivation, whereas in 1930 over half a million acres were contributing to her revenue. This increase assumes added interest when considering the present day position of the rubber industry.

It is also of interest to note that in 1910 plantation rubber fetched as much as 12s. 10d. a lb., while in 1922, when the restriction on export of Rubber imposed in 1922 was abolished, the price dropped to two pence a lb. History has a habit of repeating itself.

Bound up with these industries is the supply of labour from South India. Some indication has been given above of the increase in their numbers as the years passed. It is perhaps less well known that there are signs of the Indian labourer finding his way down to Ceylon, in search of better economic conditions than those then prevailing in South Indian villages, to work on cinnamon and other agricultural plantations, even during the Portuguese and Dutch periods; as far back as the sixteenth century.

The bulk of this Indian Immigrant Labour came from the Trichinopoly District. The number of labourers proceeding to Ceylon in 1915 illustrates this fact. In that year 38,520 labourers left from Trichinopoly District; the next largest number being from Madura, 9,092 only. The total for the year 1915 was 83,742 labourers.

The ebb and flow of Indian labour between India and Ceylon has formed a well-defined highway.

In Trichinopoly, to the present day, signs remain of the road formerly known as the "Pilgrims' Way" along which the Indian labourer used to walk, mile after dusty mile, down to Rameswaram Temple, and so to the coast, and onwards by small boats to the more verdant land of "Lanka". Later, as the route developed the trails on a map began to resemble the fronds of a drooping plantain leaf. Labour began to make its way to Ammapatnam near Arantangi, another "frond" to Tondi,

another to Pamban and yet another to Tuticorin. At these places the wayfarers set sail for the shores of Ceylon, and landings were made at Pesalai, Kankesenthurai, Mannar, Negombo and Colombo.

Those landing in the North created the Ceylon North Road of the 19th century which ran from Talaimannar down to Matale.

One can visualize the swaying figures moving onwards with their head-loads, women with children a-hip, ever onwards in steady file until the welcoming halts gave them rest, shelter, and food, for a space; and then again onwards until they reached the estates.

As the labour link became stronger so controls were imposed to assist this influx of labour, to provide for its welfare, and to prevent the introduction of disease into the Island. The question of recruitment received attention and eventually action was taken to supervise it and to prevent malpractices. The movement of labour to estates was practically free from Governmental control until 1923, although the first steps to control recruitment and to organize welfare measures and the transport of Indian Estate Labour to Ceylon Estates were taken in 1904.

Prior to 1904 the matter of the actual recruitment of labour was left very much to the estate employer and to the labourer himself.

The alternatives presenting themselves to an employer of estate labour were (1) to come to India in person to engage labourers; (2) to utilize the services of a representative in India to send labour over; or (3) to send over a representative to obtain labourers and bring them back.

Doubtless all three methods were followed but the one which later formed the mainstay of Ceylon recruitment was that which came to be known as the "Kangany" system. Kanganies, or labour "maistries" already employed in Ceylon, were given sums of money in advance to go over to India and engage labour by offering payment, free travelling, and other inducements; particularly by payment of cash to be recovered afterwards from the recipients when working on the estates.

The kanganies went to India and collected persons willing to emigrate more particularly from their own villages, and their first efforts at recruitment were usually among their own relatives. This led to a position where the essential principle of labour recruitment became the family tie, patriarchal in origin. Finally, numbers of settled and well-knit family labour groups, bound by individual relationships, and content to stay and work on Ceylon Estates, were brought into being. Before supervision and controls were introduced, however, the freedom then prevailing allowed many undesirable factors to arise. The economic law of supply and demand immediately led to the appearance of self-interested persons who saw that personal gain could be achieved by supplying the demand, and a form of supply known as "professional recruiting" grew up. Gangs of labour comprising men, women, and children, would be collected by these unscrupulous recruiters and offered for cash payment. Unattached men and women were presented as husbands and wives; kidnapping and other undesirable practices followed. Many of these labourers never reached Ceylon at all, slipping away and disappearing en route after receiving the cash advance, causing monetary loss both to the recruiting kangany and to the employer.

Towards the end of the 19th century this recruitment activity had engaged the attention of the Ceylon Government. To combat the introduction of disease into the Island, regulations were framed under an Ordinance of 1866, and in 1896 steps were taken to tighten up these precautionary methods.

In 1897, at the instance of the then Plague Committee, a Special Ordinance known as the Quarantine and Prevention of Diseases Ordinance, No. 3 of 1897 (Ceylon Legislative Enactment Cap. 173) was enacted, and

regulations were framed thereunder prescribing segregation and quarantine periods. In that year a camp was opened in Tattaparai near Tuticorin, South India, for the reception of estate labourers who proceeded thence to Ragama in Ceylon for quarantine. The popular Northern route from Talaimannar to Matale was closed in 1899, and until 1911 all quarantine measures were performed at Ragama Camp in Ceylon. Due to the repeated appearance of cholera and small pox, these quarantine measures were strengthened by the introduction of precautions at Tattaparai Camp before the passage to Ragama.

With the opening of the Indo-Ceylon railway route in February, 1914, the Mandapam Quarantine Camp came into being under the charge of the Ceylon Plague Committee appointed in 1896. The Northern route was re-opened—all quarantine measures being undertaken at Mandapam, and the Ragama and Tattaparai Camps fell into disuse. The Tuticorin-to-Colombo route was thereafter used only by passengers, and never again by Indian Immigrant Estate Labour who proceeded to Ceylon under a system of supervision and control.

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LABOUR STATISTICS

THE Statistics Division of the Labour Department was formed in October, 1948 to deal with all statistics pertaining to labour. The function of this Division is to assist in the collection of statistics incidental to the day to day administration of the Department and to conduct special investigations for the collection of specific data relating to labour as may be required. Usually statistics incidental to the working of the Department provide base-line data for these special studies and investigations; and the statistics obtained through special inquiries and investigations may bring to light certain defects which may have to be remedied through administrative or legislative action. The mutual relationship of the two categories of statistics are readily discernible.

Good labour statistics are essential to both the framing and the administration of a progressive social policy. To serve this purpose fully the statistics of employment, unemployment, wages, cost of living, family expenditures, industrial accidents, industrial diseases and other aspects of industrial life and labour must be accurate and complete; and they must be comparable both within and between different countries.

The aim of almost every country in the world today is to further programmes which would achieve full employment, raise the standard of living and improve the welfare of workers generally. The programme and application of such plans require an up-to-date knowledge of a considerable number of social and economic factors. This is where statistics come into play. Without them a Government would find it difficult to complete the work it has undertaken.

National statistics can be regarded as efficient only if they are internationally comparable. Progress towards this goal is bound to be slow. But it can be hastened by drawing on the experience of other countries and by adopting international standards based on the lessons of that experience. The work already accomplished in this direction by the International Labour Organisation is bound to serve as a helpful guide in improving the techniques regarding labour statistics in the country.

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TABLE I—COST OF LIVING INDEX NUMBERS—COLOMBO WORKING CLASS

Base: November, 1938-April, 1939 = 100

GROUPS OF HOUSEHOLD EXPENDITURE

Year	Food	Fuel and Light	Rent	Clothing	Miscel- laneous	Final Index Number
Group weights	52.40 ..	6.28 ..	15.96 ..	8.36 ..	17.00	(Nov. 1938-Apr. 1939 = 100)

INDEX NUMBERS

Base: November, 1938-April 1939 = 100

1939	..	112 ..	102 ..	97 ..	112 ..	104 ..	108
1940	..	115 ..	103 ..	97 ..	128 ..	111 ..	112
1941	..	129 ..	108 ..	96 ..	153 ..	116 ..	122
1942	..	183 ..	171 ..	93 ..	194 ..	144 ..	162
Group weights	63.66 ..	7.26 ..	7.06 ..	8.78 ..	13.24		

Base: November, 1942 = 100

Index
Number
Nov. 1942
= 100

1943	..	103 ..	94 ..	105 ..	138 ..	118 ..	107 ..	197
1944	..	102 ..	94 ..	105 ..	156 ..	127 ..	109 ..	200
1945	..	110 ..	94 ..	112 ..	165 ..	158 ..	121 ..	221
1946	..	113 ..	111 ..	124 ..	180 ..	155 ..	125 ..	228
1947	..	126 ..	121 ..	136 ..	213 ..	157 ..	138 ..	252
1948—								
January	..	127 ..	107 ..	139 ..	205 ..	159 ..	137 ..	251
February	..	134 ..	109 ..	139 ..	205 ..	159 ..	142 ..	260
March	..	134 ..	105 ..	139 ..	201 ..	162 ..	142 ..	260
April	..	136 ..	104 ..	140 ..	199 ..	165 ..	143 ..	263
May	..	138 ..	100 ..	140 ..	199 ..	160 ..	143 ..	262
June	..	137 ..	99 ..	140 ..	193 ..	159 ..	142 ..	261
July	..	139 ..	100 ..	140 ..	183 ..	165 ..	144 ..	263
August	..	139 ..	100 ..	140 ..	177 ..	160 ..	142 ..	261
September	..	139 ..	103 ..	140 ..	176 ..	159 ..	142 ..	261
October	..	141 ..	95 ..	140 ..	176 ..	149 ..	142 ..	259
November	..	141 ..	95 ..	140 ..	176 ..	149 ..	142 ..	259
December	..	146 ..	98 ..	140 ..	174 ..	143 ..	144 ..	264
		138 ..	101 ..	148 ..	189 ..	157 ..	142 ..	260
1949—								
January	..	147 ..	99 ..	129 ..	174 ..	143 ..	144 ..	263
February	..	145 ..	98 ..	129 ..	166 ..	146 ..	143 ..	261
March	..	143 ..	98 ..	129 ..	160 ..	145 ..	140 ..	257
April	..	141 ..	96 ..	126 ..	160 ..	149 ..	140 ..	255
May	..	141 ..	96 ..	129 ..	155 ..	148 ..	139 ..	254
June	..	141 ..	96 ..	129 ..	156 ..	150 ..	140 ..	255
July	..	142 ..	96 ..	120 ..	153 ..	151 ..	140 ..	256
August	..	142 ..	96 ..	129 ..	149 ..	152 ..	140 ..	256
September	..	143 ..	96 ..	129 ..	146 ..	151 ..	140 ..	256
October	..	146 ..	96 ..	129 ..	150 ..	148 ..	142 ..	259
November	..	148 ..	96 ..	129 ..	152 ..	149 ..	143 ..	262
December	..	149 ..	96 ..	129 ..	153 ..	148 ..	144 ..	264
		144 ..	97 ..	128 ..	156 ..	148 ..	141 ..	258

TABLE II—COST OF LIVING INDEX NUMBERS— ESTATE LABOUR

Base: July-September, 1939=100

GROUPS OF HOUSEHOLD EXPENDITURE

Year	Food	Clothing	Fuel and Light	Miscel- laneous	Final Index Number
Group weights	64 ..	12 ..	8 ..	16	(July-September, 1939=100)
INDEX NUMBERS					
Base: July-September, 1939=100					
1939	.. 100	.. 100	.. 100	.. 100	.. 100
1940	.. 106	.. 113	.. 107	.. 105	.. 107
1941	.. 119	.. 126	.. 108	.. 115	.. 119
1942	.. 160	.. 139	.. 117	.. 135	.. 154

Base: October, 1942=100					Index Number October, 1942 =100
Group weights	..	701 ..	119 ..	14 ..	166
1943	..	108 ..	149 ..	104 ..	116 .. 115 .. 199
1944	..	110 ..	202 ..	105 ..	114 .. 122 .. 211
1945	..	115 ..	196 ..	104 ..	137 .. 128 .. 222
1946	..	118 ..	214 ..	106 ..	131 .. 131 .. 228
1947	..	124 ..	220 ..	112 ..	139 .. 138 .. 239

1948—					
January ..	..	126 ..	220 ..	112 ..	137 .. 139 .. 241
February ..	..	135 ..	232 ..	112 ..	135 .. 146 .. 253
March ..	..	139 ..	232 ..	112 ..	139 .. 150 .. 260
April ..	..	139 ..	232 ..	112 ..	139 .. 150 .. 260
May ..	..	140 ..	232 ..	112 ..	135 .. 150 .. 260
June ..	..	139 ..	232 ..	112 ..	125 .. 147 .. 255
July ..	..	142 ..	232 ..	112 ..	125 .. 149 .. 259
August ..	..	144 ..	232 ..	112 ..	123 .. 151 .. 261
September ..	..	147 ..	232 ..	112 ..	122 .. 152 .. 264
October ..	..	150 ..	207 ..	112 ..	121 .. 151 .. 263
November ..	..	151 ..	204 ..	112 ..	120 .. 152 .. 263
December ..	..	156 ..	203 ..	112 ..	118 .. 155 .. 268
		142 ..	224 ..	112 ..	128 .. 149 .. 259

1949—					
January ..	..	157 ..	202 ..	112 ..	117 .. 155 .. 269
February ..	..	154 ..	199 ..	112 ..	121 .. 153 .. 266
March ..	..	158 ..	197 ..	112 ..	126 .. 159 .. 272
April ..	..	153 ..	197 ..	112 ..	127 .. 153 .. 266
May ..	..	152 ..	189 ..	112 ..	125 .. 151 .. 262
June ..	..	151 ..	188 ..	112 ..	124 .. 150 .. 261
July ..	..	152 ..	187 ..	112 ..	126 .. 151 .. 262
August ..	..	151 ..	176 ..	112 ..	128 .. 150 .. 259
September ..	..	153 ..	168 ..	108 ..	131 .. 150 .. 261
October ..	..	154 ..	164 ..	108 ..	129 .. 150 .. 261
November ..	..	157 ..	159 ..	108 ..	132 .. 152 .. 264
December ..	..	160 ..	160 ..	108 ..	125 .. 153 .. 266
		154 ..	182 ..	111 ..	126 .. 152 .. 264

TABLE III—UNEMPLOYMENT

Table showing the number of persons unemployed according to registers maintained at the Employment Exchanges in the Island

Years	Technical and Clerical	Skilled	Semi-skilled	Unskilled	Total
1935	3,712	11,964	5,034	5,967	26,677
1940	4,734	13,130	4,800	4,981	27,645
1941	5,274	8,882	2,351	3,951	20,458
1942	6,589	9,411	1,882	1,451	19,333
1943	2,282	2,872	1,812	1,869	8,835
1944*	295	358	227	173	1,053
1945	2,258	11,025	3,267	4,816	21,366
1946	5,636	10,012	7,527	13,369	36,544
1947	2,883	7,325	8,113	16,428	34,744
1948	3,290	7,823	8,956	13,677	38,746
January	3,419	7,885	9,852	19,737	40,893
February	3,864	8,442	10,281	21,673	44,260
March	4,025	8,728	10,831	21,831	45,415
April	3,805	9,030	10,892	22,798	46,534
May	3,901	9,932	11,175	24,793	49,801
June	4,030	10,834	11,863	27,987	54,714
July	4,044	11,911	11,547	31,123	58,625
August	4,309	12,639	12,036	35,837	64,841
September	4,387	13,101	12,053	39,465	66,006
October	4,378	13,103	12,357	36,381	66,169
November	4,474	13,027	12,443	36,712	66,650
December	4,946	12,423	12,754	36,691	66,814
1949	5,361	12,263	12,887	30,765	67,276
January	5,701	12,400	13,788	36,488	68,377
February	5,698	12,233	13,601	36,264	67,796
March	5,340	11,825	13,311	35,505	65,981
April	5,289	12,176	13,523	37,419	68,401
May	5,180	12,251	13,913	35,845	70,189
June	5,155	12,382	13,788	39,057	70,382
July	5,139	12,174	13,642	36,707	67,662
August	5,135	12,014	13,309	37,341	67,799
September	5,077	12,120	13,665	39,027	69,889
October					
November					

* Up to 1944, there was only one Employment Exchange in Colombo. In 1945, Exchanges were opened in all the principal towns of the Island.

TABLE IV—UNEMPLOYMENT

Table showing the number of persons unemployed according to registers maintained at the Employment Exchanges

Classification by Exchange Areas

Years	Colombo	Negombo	Katutura	Galle	Kandy	Nawalapitiya	Kurunegaya	Jaffna	Ratnapuram	Badulla	Batthalawa	Trincomalee	Total
1939	26,677	—	—	—	—	—	—	—	—	—	—	—	26,677
1940	27,645	—	—	—	—	—	—	—	—	—	—	—	27,645
1941	20,458	—	—	—	—	—	—	—	—	—	—	—	20,458
1942	19,333	—	—	—	—	—	—	—	—	—	—	—	19,333
1943	8,835	—	—	—	—	—	—	—	—	—	—	—	8,835
1944	1,053	—	—	—	—	—	—	—	—	—	—	—	1,053
1945	10,784	378	2,128	1,239	2,363	259	431	841	120	46	65	1,497	21,366*
1946	25,805	1,117	808	993	3,397	726	352	816	119	493	727	611	36,544†
1947	21,589	2,289	1,643	2,133	4,955	564	430	481	170	490	—	—	34,744
1948	24,171	2,705	1,622	2,678	4,127	587	504	1,591	178	583	—	—	38,746
Jan.	25,194	2,686	1,537	3,081	4,067	557	561	1,880	198	632	—	—	40,393
Feb.	29,269	2,846	1,540	3,266	3,434	524	625	2,073	185	498	—	—	44,260
Mar.	30,388	2,670	1,571	3,390	3,468	547	687	1,894	196	684	—	—	45,415
Apr.	31,093	2,809	1,585	3,287	3,604	552	757	1,680	217	950	—	—	46,534
May	32,115	3,108	1,690	3,605	4,067	576	770	1,965	249	1,656	—	—	49,801
Jun.	34,619	3,318	1,392	3,903	4,751	648	763	2,058	298	389	1,712	863	54,714
Jul.	38,843	3,920	1,946	3,958	8,692	775	885	1,855	321	433	1,796	401	58,625
Aug.	42,980	4,726	2,203	3,996	4,670	992	711	1,800	310	392	1,674	387	64,841
Sep.	43,246	5,578	2,227	4,013	5,076	963	784	1,630	366	448	1,310	345	66,006
Oct.	41,068	6,049	2,391	4,111	5,426	1,102	872	1,569	474	547	1,361	299	66,169
Nov.	42,209	7,235	2,414	3,995	4,577	1,066	851	1,526	607	704	1,189	283	66,056
Dec.	40,604	7,903	2,561	4,005	5,273	1,095	877	1,729	617	761	1,091	298	66,814
1949	40,252	8,109	2,679	4,056	5,222	1,131	1,130	1,684	612	673	1,413	306	67,276
Jan.	39,301	8,839	2,934	4,173	5,528	1,025	1,164	2,085	579	624	1,360	315	68,377
Feb.	39,587	8,702	3,050	4,130	4,979	1,031	1,195	2,084	567	607	1,236	338	67,796
Mar.	38,524	8,125	3,592	4,188	4,569	1,085	1,077	2,024	920	680	882	335	65,981
Apr.	40,269	7,978	4,156	4,730	4,726	837	864	2,037	965	651	772	407	68,401
May	41,588	7,511	4,551	5,129	4,980	856	985	1,979	928	634	671	277	70,189
Jun.	48,246	8,222	4,686	5,372	8,819	922	937	2,057	759	618	696	308	70,382
Jul.	41,707	6,354	4,466	5,256	3,447	949	1,180	2,022	707	583	572	419	67,662
Aug.	42,749	5,771	4,003	5,443	3,800	939	1,113	2,079	715	623	571	493	67,799
Sep.	44,123	5,513	4,107	5,689	3,516	930	1,006	2,079	726	1,028	611	561	69,889
Oct.													
Nov.													

* Total includes 127 registered at Matugama, 164 at Chilaw, 272 at Matala, 97 at Avissawella and 555 at Veyangoda.

† Total includes 141 registered at Matugama, 254 at Chilaw and 240 at Avissawella.

(These Exchanges functioned only during 1945 and 1946)

TABLE V—UNEMPLOYMENT

Table showing the number of unemployed persons placed in employment during the period 1939 to 1949

Years	Technical and Clerical		Skilled	Semi-Skilled	Unskilled	Total
1939 ..	—	—	—	—	—	2,583
1940 ..	—	—	—	—	—	5,936
1941 ..	—	—	—	—	—	9,071
1942 ..	—	—	—	—	—	8,129
1943 ..	—	—	—	—	—	4,170
1944 ..	—	—	—	—	—	1,875
1945 ..	369	—	1,104	411	2,653	4,537
1946 ..	1,303	—	3,012	1,341	10,130	15,786
1947 ..	915	—	1,417	911	4,161	7,404
1948 January ..	109	—	41	59	232	441
February ..	70	—	49	62	122	303
March ..	72	—	83	146	550	851
April ..	106	—	64	146	815	1,131
May ..	71	—	139	103	280	593
June ..	140	—	152	118	275	685
July ..	137	—	173	125	648	1,083
August ..	145	—	151	98	503	897
September ..	124	—	212	115	397	848
October ..	131	—	199	97	1,112	1,539
November ..	156	—	143	124	767	1,190
December ..	94	—	157	118	417	786
1949 January ..	158	—	185	139	585	1,067
February ..	127	—	117	102	375	721
March ..	185	—	209	171	600	1,165
April ..	103	—	134	146	542	925
May ..	199	—	190	195	966	1,550
June ..	143	—	91	142	823	1,109
July ..	152	—	97	171	1,536	1,956
August ..	143	—	132	154	1,542	1,971
September ..	122	—	160	139	795	1,156
October ..	107	—	106	105	754	1,072
November ..	204	—	136	171	541	1,052

TABLE VI—UNEMPLOYMENT

Table showing the number of unemployed persons registered and the number placed in employment during the month of November, 1949

Employment Exchange	Technical and Clerical		Skilled		Semi-Skilled		Unskilled		Total	
	Regd.	Placed	Regd.	Placed	Regd.	Placed	Regd.	Placed	Regd.	Placed
Central (Colombo) ..	340	115	777	92	689	111	2,517	229	4,323	547
Negombo ..	28	3	102	10	101	15	497	135	728	169
Kalutara ..	34	—	89	—	113	2	277	17	513	19
Galle ..	52	4	110	3	185	5	521	47	868	59
Kandy ..	71	7	149	2	377	5	418	10	1,015	24
Nawalapitiya ..	—	—	7	1	31	—	39	4	77	5
Kurunegala ..	37	3	33	1	62	8	65	41	197	53
Jaffna ..	77	17	38	2	167	10	86	3	368	32
Ratnapura ..	17	4	29	—	30	4	63	—	139	8
Badulla ..	35	7	161	6	76	3	271	13	543	29
Batticaloa ..	14	11	28	10	52	5	98	42	192	68
Trincomalee ..	14	2	31	—	44	1	71	—	160	3
Women's (Colombo) ..	64	31	44	3	58	2	182	—	348	36
Total ..	788	204	1,598	136	1,085	171	5,105	541	9,471	1,052

TABLE VII—STRIKES IN CEYLON SINCE 1939

Year	Plantations			Others		
	Number of Strikes	Number of Workers involved	Number of Man-days lost	Number of Strikes	Number of Workers involved	Number of Man-days lost
1939	42	Not available	Not available	5	Not available	Not available
1940	36	9,732*	do.	8	do.	do.
1941	27	4,156	do.	15	do.	do.
1942	8	949	do.	14	do.	do.
1943	22	2,436	5,234	31†	4,550	4,359
1944	26	3,648	4,048½	66	12,399	25,937
1945	28	3,514	4,285	55	28,875	153,388½
1946	87	15,259	31,830½	69	39,237	250,860
1947	53	11,849	199,657	52	43,485	544,174
1948	32	4,518	31,349½	20	1,065	2,497½
1948 January	Nil	Nil	Nil	2	18	20
February	3	183	187	2	25	34
March	5	797	1,839	4	328	311½
April	Nil	Nil	Nil	Nil	Nil	Nil
May	1	50	50	Nil	Nil	Nil
June	2	530	880	Nil	Nil	Nil
July	2	713	3,197	Nil	Nil	Nil
August	3	196	3,892	1	42	336
September	3	295	574	5	139	165½
October	4	309	1,046½	2	282	1,506
November	6	1,074	6,746	1	179	85½
December	3	369	12,938	3	52	39
1949 January	4	11,207½	12,146	4	380	1,546½
February	1	450	450	2	90	123
March	2	522	40,073	5	138	218½
April	2	515	4,203	2	855	995
May	2	386	386	3	187	256½
June	4	1,146	2,586	—	—	—
July	7	432,384§	432,832	2	248	6,800
August	6	3,874||	21,217	4	311	1,879
September	6	16,597¶	17,114	1	79	395
October	14	2,403	6,991	3	516	2,076
January-October						
Total	48	469,484	537,998	26	2,804	14,289½

*Number of workers involved in one strike is not available.

†Number of workers involved and man-days lost in respect of one strike are not available.

‡Includes a one-day token strike on 22 estates in the Gampola and Pussellawa Districts in sympathy with strikers on Melfort Estate.

§Includes two Island-wide token strikes on July 15 and 22, as a protest against the removal of the Rubber Growing and Manufacturing Trade from the decisions of the Wages Board.

||Includes stoppage of work on five estates on Indian Independence Day.

¶Includes two token strikes.

Note.—The number of strikes shown against each month relate to the number of strikes that ended during the month.

TABLE VIII—CLASSIFICATION OF THE STRIKES IN OCTOBER, 1949, BY INDUSTRIES OR TRADES

Industry or Trade	Number of Strikes	Number of Workers involved	Number of Man-days lost
Plantations—Tea	—	—	—
Rubber	14	2,403	6,991
Coconut	—	—	—
Total	14	2,403	6,991
Engineering	—	—	—
Printing	—	—	—
Motor Transport	1	71	852
Tea Export	—	—	—
Rubber Export	—	—	—
Coconut Manufacturing	—	—	—
Toddy, Arrack and Vinegar	—	—	—
Match Manufacturing	—	—	—
Plumbago	—	—	—
Cinema	—	—	—
Port, Dock and Harbour	—	—	—
Government Institutions	—	—	—
Local Government Services	1	80	160
Service Institutions	—	—	—
Textile	—	—	—
Relief Schemes	1	365	1,064

TABLE IX—CLASSIFICATION OF STRIKES IN OCTOBER, 1949, BY CAUSES

Cause	Number of Strikes		Number of Workers Involved	
	Plantation	Others	Plantation	Others
1. Dismissal or loss of employment in any way. Failure to provide work. ..	1	—	157	—
2. Wage increases. Higher rates for piece work, &c. ..	11	1	1,825	365
3. Other wage disputes (e.g., delay in payment, cash advances, &c.) ..	1	—	330	—
4. Estate rules, working arrangements, discipline, disputes with sub-staff, &c. ..	1	—	91	—
5. Food matters (welfare) ..	—	—	—	—
6. Right of association and meeting ..	—	—	—	—
7. Factional disputes and domestic matters ..	—	—	—	—
8. External matters, e.g. (arrest by Police, immorality, &c.) ..	—	—	—	—
9. Assaults by employer or agent or others ..	—	—	—	—
10. General demands ..	—	2	—	151
11. Sympathetic strikes ..	—	—	—	—
Total ..	14	3	2,403	516

TABLE X—ARRIVALS AND DEPARTURES OF INDIAN ESTATE LABOURERS

Years	Arrivals			Departures			Excess of Arrivals over Departures	Excess of Departures over Arrivals
	Old	New	Total	Repatriation on Govt. Account	Left Ceylon Un-assisted	Total		
1939 ..	25,425	3,834	29,259	2,975	31,714	34,689	—	5,430
1940 ..	9,955	363	3,318	5,560	12,578	18,138	—	14,820
1941 ..	3,234	350	3,584	8,410	11,243	19,653	—	16,069
1942 ..	6,585	229	6,814	5,398	33,183	38,581	—	31,767
1943 ..	42,677	2,076	44,753	1,368	59,577	60,945	—	16,192
1944 ..	49,354	2,623	51,977	786	59,683	60,469	—	8,492
1945 ..	82,598	3,844	86,442	572	85,428	86,000	442	—
1946 ..	75,269	3,325	78,594	282	75,657	75,939	2,655	—
1947 ..	52,177	2,400	54,577	242	58,381	58,623	—	4,046
1948 ..	47,621	2,926	50,547	151	47,115	47,266	3,281	—
1948—								
Jan. ..	1,637	119	1,756	17	4,990	5,007	—	3,251
Feb. ..	2,834	180	3,014	13	5,071	5,084	—	2,070
Mar. ..	3,994	174	4,168	18	5,965	5,983	—	1,815
Apr. ..	4,662	186	4,848	19	5,730	5,749	—	901
May ..	4,409	196	4,605	23	5,734	5,757	—	1,152
June ..	6,456	310	6,766	16	4,029	4,045	2,721	—
July ..	6,165	272	6,437	2	2,650	2,652	3,785	—
August ..	3,668	318	3,986	11	3,675	3,686	300	—
Sept. ..	4,785	424	5,209	5	2,701	2,706	2,503	—
Oct. ..	3,415	246	3,661	5	2,366	2,371	1,290	—
Nov. ..	2,603	219	2,822	7	2,256	2,263	559	—
Dec. ..	2,993	282	3,275	15	1,948	1,963	1,312	—
1949—								
Jan. ..	1,498	138	1,636	5	3,533	3,538	—	1,902
Feb. ..	2,340	151	2,491	14	5,417	5,431	—	2,940
Mar. ..	4,039	202	4,241	18	5,540	5,558	—	1,317
Apr. ..	4,249	195	4,444	16	5,579	5,595	—	1,151
May ..	5,041	198	5,239	49	6,150	6,199	—	960
June ..	5,578	238	5,816	32	5,223	5,255	561	—
July ..	5,626	208	5,834	44	2,613	2,657	3,177	—
August ..	3,437	244	3,681	39	3,444	3,483	198	—
Sept. ..	3,416	230	3,646	35	3,037	3,072	574	—
Oct. ..	2,482	94	2,576	21	2,166	2,187	389	—
Nov. ..	2,650	206	2,856	22	1,858	1,880	976	—

APPENDIX I

Statement showing the minimum rates of wages payable to workers in different trades for which Wages Boards have been established

Month: January, 1950.

Class of Worker	Basic Wage		Special Allowance		Total	
	Rs.	c.	Rs.	c.	Rs.	c.
Tea Growing and Manufacturing Trade.						
<i>Daily Rates.</i>						
Male worker not under 16 years	0	75	0	97	1	72
Female worker not under 15 years	0	60	0	74	1	34
Child worker	0	50	0	67	1	17
Cocoa, Cardamom and Pepper Growing and Manufacturing Trade.						
<i>Daily Rates.</i>						
Male worker not under 16 years	0	58	0	97	1	55
Female worker not under 15 years	0	46	0	74	1	20
Child worker	0	41	0	67	1	8
Rubber Growing and Manufacturing Trade.						
<i>Daily Rates.</i>						
Male worker not under 16 years	0	58	0	97	1	55
Female worker not under 15 years	0	46	0	74	1	20
Child worker	0	41	0	67	1	8
Coconut Trade.						
<i>Daily Rates.</i>						
The raising and maintenance of a coconut plantation; and The manufacture of copra—						
Kangany	0	78	0	95	1	73
Male not under 18 years	0	60	0	95	1	55
Female not under 18 years	0	45	0	67	1	12
Worker under 18 years	0	35	0	60	0	95
The manufacture of desiccated coconut; The manufacture of coconut oil; and The manufacture of fibre and coir products—						
Within the Colombo area—						
Kangany	1	28	0	95	2	23
Male not under 18 years	1	3	0	95	1	98
Female not under 18 years	0	77	0	67	1	44
Worker under 18 years	0	51	0	60	1	11
Outside the Colombo area—						
Kangany	1	3	0	95	1	98
Male not under 18 years	0	78	0	95	1	73
Female not under 18 years	0	60	0	67	1	27
Worker under 18 years	0	39	0	60	0	99
"Colombo area" includes any place within 5 miles of the Municipal limits of Colombo.						
Piece rates have been fixed for certain processes.						
Engineering Trade.						
<i>Daily Rates.</i>						
Unskilled labourer	1	24	0	98	2	22
Semi-skilled, Grade I	1	44	1	8	2	52
Semi-skilled, Grade II	1	28	1	8	2	36
Skilled worker	1	80	1	8	2	88
Kangany	1	60	1	8	2	68
Watcher	1	50	1	8	2	58

Class of Worker			Basic Wage Rs. c.	Special Allowance Rs. c.	Total Rs. c.
Engineering Trade (contd.)					
<i>Trade Learners and Apprentices.</i>					
1st year	..	..	0 40	0 32	0 72
2nd year	..	..	0 56	0 40	0 96
3rd year	..	..	0 72	0 60	1 32
4th year	..	..	0 96	0 72	1 68

Printing Trade.

Monthly Rates.

Class A worker	..	..	100 0	64 0	164 0
B	..	..	75 0	48 0	123 0
C	..	..	50 0	40 0	90 0
D	..	..	40 0	32 0	72 0
E	..	..	37 50	30 3	67 53
F	..	..	18 0	14 40	32 40
G	..	..	40 0	32 0	72 0
Class A 1st year learner	..	..	30 0	19 20	49 20
B	..	..	22 50	14 40	36 90
C	..	..	20 0	16 0	36 0
D	..	..	16 0	12 80	28 80
Class A 2nd year learner	..	..	40 0	25 60	65 60
B	..	..	37 50	24 0	61 50
C	..	..	25 0	19 94	44 94
D	..	..	20 0	16 0	36 0
Class A 3rd year learner	..	..	50 0	32 0	82 0
B	..	..	45 0	28 80	73 80
C	..	..	30 0	24 0	54 0
D	..	..	24 0	19 20	43 20
Class A 4th year learner	..	..	65 0	41 60	106 60
B	..	..	56 25	35 94	92 19
C	..	..	37 50	30 3	67 53
D	..	..	30 0	24 0	54 0
Class A 5th year learner	..	..	80 0	51 20	131 20

Cigar Trade.

A piece rate of Rs. 2.60 has been fixed for every 1,000 cigars rolled.

Plumbago Trade.

Daily Rates.

Underground workers—

Basses	2 75	0 97	3 72
Kanganies	}	..	2 25	0 97	3 22
Loaders		..			
Overseers		..			
Shift bosses	2 8	0 97	3 5
Blasters	}	..	2 0	0 97	2 97
Drillers (hand and machine)		..			
Shaft drivers		..			
Stoppers (excavators)		..			
Timbermen	}	..	1 50	0 97	2 47
Muckers		..			
Trolleyman		..			
Unskilled labourers

Underground and Surface Workers—

Electricians	}	..	2 50	0 97	3 47
Enginemen		..			
Fitters		..			
Hoistmen		..			
Mechanics		..			
Pumpmen	}	..	2 25	0 97	3 22
Winchmen		..			
Checkers		..			
Bakkikarayas	}	..	2 0	0 97	2 97
Electricians (assistants)		..			
Fitters (assistants)		..			
Windlassmen (dabare workers)		..			

<i>Class of Worker</i>	<i>Basic Wage</i> <i>Rs. c.</i>	<i>Special Allowance</i> <i>Rs. c.</i>	<i>Total</i> <i>Rs. c.</i>
Plumbago Trade (contd.)			
Surface Workers—			
Carpenters }	2 50	0 97	3 47
Masons }	2 25	0 97	3 22
Overseers }	2 0	0 97	2 97
Blacksmiths }	1 60	0 97	2 57
Boilermen }	1 50	0 97	2 47
Drill sharpeners }	1 24	0 97	2 21
Firewood carriers and splitters			
Carters }			
Watchers }			
Cooks }			
Smithy boys }			
Unskilled labourers }			

N.B.—Workers under 18 years of age performing any of the above tasks are entitled to a special allowance of only 67 cents.

Workers employed in Curing and Dressing—

(A) As overseers and kanganyes	2 0	0 97	2 97
(B) On different jobs—			
within the Colombo area—			
Male worker not under 18 years	1 25	0 97	2 22
Female worker not under 18 years	0 87	0 74	1 61
Worker under 18 years	0 50	0 67	1 17
outside the Colombo area—			
Male worker not under 18 years	1 0	0 97	1 97
Female worker not under 18 years	0 70	0 74	1 44
Worker under 18 years	0 40	0 67	1 7

“Colombo area” includes any place within 5 miles of the Municipal limits of Colombo.

Tea Export Trade.

Daily Rates.

A. Male workers not under 18 years—

(a) Grade II	1 24	0 98	2 22
(b) Intermediate Grade	1 40	1 8	2 48
(c) Grade I	1 60	1 8	2 68
(d) Box makers and repairers	1 40	1 8	2 48
(e) Watchers	1 50	1 8	2 58

B. Female workers not under 18 years

C. Workers over 14 years but under 15 years	0 60	0 54	1 14
“ 15 “ 16 “	0 70	0 59	1 29
“ 16 “ 17 “	0 80	0 64	1 44
“ 17 “ 18 “	1 0	0 74	1 74

Rubber Export Trade.

Daily Rates.

A. Male workers not under 18 years—

(a) Grade II	1 24	0 98	2 22
(b) Intermediate Grade	1 40	1 8	2 48
(c) Grade I	1 60	1 8	2 68
(d) Watchers	1 50	1 8	2 58

B. Female workers not under 18 years

C. Workers over 14 years but under 15 years	0 60	0 54	1 14
“ 15 “ 16 “	0 70	0 59	1 29
“ 16 “ 17 “	0 80	0 64	1 44
“ 17 “ 18 “	1 0	0 74	1 74

Class of Worker

*Basic
Wage
Rs. c.*

*Special
Allowance
Rs. c.*

*Total
Rs. c.*

Toddy, Arrack, and Vinegar Trade.

Monthly Rates.

Tope kangany	100 0 ..	— ..	100 0
Toddy tavern watcher	50 0 ..	— ..	50 0
Tope watcher	40 0 ..	— ..	40 0
Collecting station manager	60 0 ..	— ..	60 0
Selling toddy at tavern	60 0 ..	— ..	60 0
Selling arrack at tavern	60 0 ..	— ..	60 0
Preparing spadices for tapping	45 0 ..	— ..	45 0
Collecting toddy from trees in the toddy section of the trade	70 0 ..	— ..	70 0
Collecting toddy from trees in the arrack section of the trade	35 0 ..	— ..	35 0
Distilling toddy at distillery	60 0 ..	— ..	60 0

Daily Rates.

Unskilled labourers—

Male workers not under 16 years	1 70 ..	— ..	1 70
Male workers under 16 years	1 13 ..	— ..	1 13
Female worker not under 16 years	1 30 ..	— ..	1 30
Female worker under 16 years	0 87 ..	— ..	0 87

Piece rates have been fixed for certain processes.

Motor Transport Trade.

Monthly Rates.

Class A worker	100 0 ..	32 0 ..	132 0
Class B	90 0 ..	32 0 ..	122 0
Class C	85 0 ..	29 50 ..	114 50
Class D	100 0 ..	32 0 ..	132 0
Class E	70 0 ..	27 0 ..	97 0
Class F	67 50 ..	32 0 ..	99 50
Class G	60 0 ..	28 80 ..	88 80
Class H	50 0 ..	28 80 ..	78 80
Class J	60 0 ..	28 80 ..	88 80
Class K	90 0 ..	28 80 ..	118 80
Class L	45 0 ..	20 25 ..	65 25

Daily Rates.

Class A worker	4 0 ..	1 35 ..	5 35
Class B	4 0 ..	1 35 ..	5 35
Class C	3 25 ..	1 35 ..	4 60
Class D	4 0 ..	1 35 ..	5 35
Class E	2 75 ..	1 10 ..	3 85
Class F	2 75 ..	1 35 ..	4 10
Class G	2 50 ..	1 35 ..	3 85
Class H	2 25 ..	1 35 ..	3 60
Class L	1 50 ..	0 71 ..	2 21

N.B.—Monthly rates for permanent workers and daily rates for temporary workers.

Match Manufacturing Trade.

Daily Rates.

Grade I—

Male 18 years and over	1 80 ..	1 8 ..	2 88
Female 18 years and over	1 40 ..	0 98 ..	2 38
Young person over 14 and under 17 years	0 85 ..	0 60 ..	1 45
Young person 17 and over but under 18 years	1 15 ..	0 74 ..	1 89

<i>Class of Worker</i>	<i>Basic Wage Rs. c.</i>	<i>Special Allowance Rs. c.</i>	<i>Total Rs. c.</i>
Match Manufacturing Trade (contd.)			
<i>Grade II—</i>			
Male 18 years and over	1 40 ..	1 8 ..	2 48
Female 18 years and over	1 12 ..	0 98 ..	2 10
Young person over 14 and under 17 years ..	0 70 ..	0 60 ..	1 30
Young person 17 and over but under 18 years ..	0 90 ..	0 74 ..	1 64
<i>Grade III—</i>			
Male 18 years and over	1 24 ..	0 98 ..	2 22
Female 18 years and over	1 0 ..	0 86 ..	1 86
Young person over 14 and under 17 years ..	0 60 ..	0 60 ..	1 20
Young person 17 and over but under 18 years ..	0 80 ..	0 74 ..	1 54
<i>Grade IV—</i>			
Watcher	1 50 ..	1 8 ..	2 58

Cinema Trade.

Within the Municipal areas.

A—Non-clerical—

Unskilled	32 25 ..	25 48 ..	57 73
Semi-skilled	37 50 ..	28 8 ..	65 58
Skilled, Grade II	50 0 ..	29 90 ..	79 90
Skilled, Grade I	60 0 ..	29 90 ..	89 90

B—Clerical—

Grade III	45 0 ..	27 0 ..	72 0
Grade II	50 0 ..	30 0 ..	80 0
Grade I	100 0 ..	35 0 ..	135 0

Outside the Municipal areas.

A—Non-clerical—

Unskilled	32 25 ..	25 48 ..	57 73
Semi-skilled	35 0 ..	28 8 ..	63 8
Skilled Grade II	42 0 ..	29 90 ..	71 90
Skilled Grade I	55 0 ..	29 90 ..	84 90

B—Clerical—

Grade III	40 0 ..	27 0 ..	67 0
Grade II	45 0 ..	30 0 ..	75 0
Grade I	100 0 ..	35 0 ..	135 0

Dock, Harbour, and Port Transport Trade.

Manual Work.

Special Grade	65 0 ..	28 75 ..	93 75
Skilled Grade	55 0 ..	24 75 ..	79 75
Semi-skilled Grade	45 0 ..	21 75 ..	66 75
Unskilled Grade I	37 0 ..	21 75 ..	58 75
Unskilled Grade II	31 0 ..	21 75 ..	52 75

Women Workers—

Female kangaries	35 0 ..	21 75 ..	56 75
Female labourers	30 0 ..	21 75 ..	51 75

Non-manual Work.

Special Grade	75 0 ..	33 0 ..	108 0
Grade I	55 0 ..	24 75 ..	79 75

APPENDIX II (A)

Ready Reckoner showing the minimum wages payable for the number of days worked during January, 1950, to workers in the Tea Growing and Manufacturing, the Rubber Growing and Manufacturing and the Cocoa, Cardamom and Pepper Growing and Manufacturing Trades

No. of Days	Tea Growing and Manufacturing Trade			Rubber Growing and Manufacturing and Cocoa, Cardamom and Pepper Growing and Manufacturing Trades		
	Men Rs. c.	Women Rs. c.	Children Rs. c.	Men Rs. c.	Women Rs. c.	Children Rs. c.
1/2	0 86	0 67	0 58 1/2	0 77 1/2	0 60	0 54
1	1 72	1 34	1 17	1 55	1 20	1 8
2	3 44	2 68	2 34	3 10	2 40	2 16
3	5 16	4 2	3 51	4 65	3 60	3 24
4	6 88	5 36	4 68	6 20	4 80	4 32
5	8 60	6 70	5 85	7 75	6 0	5 40
6	10 32	8 4	7 2	9 30	7 20	6 48
7	12 4	9 38	8 19	10 85	8 40	7 56
8	12 76	10 72	9 36	12 40	9 60	8 64
9	15 48	12 6	10 53	13 95	10 80	9 72
10	17 20	13 40	11 70	15 50	12 0	10 80
11	18 92	14 74	12 87	17 5	13 20	11 88
12	20 64	16 8	14 4	18 60	14 40	12 96
13	22 36	17 42	15 21	20 15	15 60	14 4
14	24 8	18 76	16 38	21 70	16 80	15 12
15	25 80	20 10	17 55	23 25	18 0	16 20
16	27 52	21 44	18 72	24 80	19 20	17 28
17	29 24	22 78	19 89	26 35	20 40	18 36
18	30 96	24 12	21 6	27 90	21 60	19 44
19	32 68	25 46	22 23	29 45	22 80	20 52
20	34 40	26 80	23 40	31 0	24 0	21 60
21	36 12	28 14	24 57	32 55	25 20	22 68
22	37 84	29 48	25 74	34 10	26 40	23 76
23	39 56	30 82	26 91	35 65	27 60	24 84
24	41 28	32 16	28 8	37 20	28 80	25 92
25	43 0	33 50	29 25	38 75	30 0	27 0
26	44 72	34 84	30 42	40 30	31 20	28 8
27	46 44	36 18	31 59	41 85	32 40	29 16
28	48 16	37 52	32 76	43 40	33 60	30 24
29	49 88	38 86	33 93	44 95	34 80	31 32
30	51 60	40 20	35 10	46 50	36 0	32 40
31	53 32	41 54	36 27	48 5	37 20	33 48

APPENDIX II (B)

Ready Reckoner showing the minimum wages payable for the number of days worked during January, 1950, to workers in the Tea Export and Rubber Export Trades

No. of Days	Male Workers over 18 Years of Age					Female Workers Over 18 Years of Age	Child Workers			
	Grade II	Inter- mediate Grade	Grade I	Box makers and Repairers*	Watchers		Over 14 and under 15	Over 15 and under 16	Over 16 and under 17	Over 17 and under 18
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	
1	1 11	1 24	1 34	1 24	1 29	0 93	0 57	0 64½	0 72	0 87
2	2 22	2 48	2 68	2 48	2 58	1 86	1 14	1 29	1 44	1 74
3	4 44	4 96	5 36	4 96	5 16	3 72	2 28	2 58	2 88	3 48
4	6 66	7 44	8 4	7 44	7 74	5 58	3 42	3 87	4 32	5 22
5	8 88	9 92	10 72	9 92	10 32	7 44	4 56	5 16	5 76	6 96
6	11 10	12 40	13 40	12 40	12 90	9 30	5 70	6 45	7 20	8 79
7	13 32	14 88	16 8	14 88	15 48	11 16	6 84	7 74	8 64	10 44
8	15 54	17 36	18 76	17 36	18 6	13 2	7 98	9 3	10 8	12 18
9	17 76	19 84	21 44	19 84	20 64	14 88	9 12	10 32	11 52	13 92
10	19 98	22 32	24 12	22 32	23 22	16 74	10 26	11 61	12 96	15 66
11	22 20	24 80	26 80	24 80	25 80	18 60	11 40	12 90	14 40	17 40
12	24 42	27 28	29 48	27 28	28 38	20 46	12 54	14 19	15 84	19 14
13	26 64	29 76	32 16	29 76	30 96	22 32	13 68	15 48	17 28	20 88
14	28 86	32 24	34 84	32 24	33 54	24 18	15 82	16 76	18 72	22 62
15	31 8	34 72	37 52	34 72	36 12	26 4	15 96	18 6	20 16	24 36
16	33 30	37 20	40 20	37 20	38 70	27 90	17 1	19 35	21 60	26 10
17	35 52	39 68	42 88	39 68	41 28	29 76	18 24	20 64	23 4	27 84
18	37 74	42 16	45 56	42 16	43 86	31 62	19 38	21 93	24 48	29 58
19	39 96	44 64	48 24	44 64	46 44	33 48	20 52	23 22	25 92	31 92
20	42 18	47 12	50 92	47 12	49 2	35 34	21 66	24 51	27 36	33 6
21	44 40	49 60	53 60	49 60	51 60	37 20	22 80	25 80	28 80	34 80
22	46 62	52 8	56 28	52 8	54 18	39 6	23 94	27 9	30 24	36 54
23	48 84	54 56	58 96	54 56	56 76	40 92	25 8	28 38	31 68	38 28
24	51 6	57 4	61 64	57 4	59 34	42 78	26 22	29 67	33 12	40 2
25	53 28	59 52	64 32	59 52	61 92	44 64	27 36	30 96	34 56	41 76
26	55 50	62 0	67 0	62 0	64 50	46 50	28 50	32 25	36 0	43 50
27	57 72	64 48	69 68	64 48	67 8	48 36	29 64	33 54	37 44	45 24
28	59 94	66 96	72 36	66 96	69 66	50 22	30 78	34 83	38 88	46 98
29	62 16	69 44	75 4	69 44	72 24	52 8	31 92	36 12	40 32	48 72
30	64 38	71 92	77 72	71 92	74 82	53 94	33 6	37 41	41 76	50 46
31	66 60	74 40	80 40	74 40	77 40	55 80	34 20	38 70	43 20	52 20
32	68 82	76 88	83 8	76 88	79 98	57 66	35 34	39 99	44 64	53 94

* Applicable in the case of Tea Export Trade only.

SOME RECENT PUBLICATIONS OF LABOUR INTEREST

(1) *Trade Union Wage Policy* by Arthur M. Ross. Berkeley and Los Angeles, University of California Press, 1948.

This is essentially a group of essays examining the wage policies of trade unions as well as collective agreements concerning the determination of wages. The author studies the trade union as a wage fixing institution, the dynamics of wage determination under collective bargaining, the meaning of a responsible wage policy, union-management relations and finally the influence of unionism upon earnings.

(2) *Asia's Trade: A Study of the Trade of Asian Countries with each other and with the Rest of the World* by B. G. Ghate. New Delhi, Indian Council of World Affairs; Bombay, Calcutta, Madras, London, Oxford University Press, 1948.

This study presents a systematic statistical analysis of the pre-war foreign trade of Asia. It brings into sharp focus the main characteristics of the trade of the region. Its small share in world trade, the dependence of its exports on a limited number of raw materials and on the markets of Europe and North America, the vulnerability of raw materials to price fluctuations and the dominant position of Japan in the pre-war intra-Asian trade. The study also describes in great detail the direction and structure of import and export trade and the balance of trade of each Asian country. The author also makes an interesting proposal for the establishment of a Central Asian Commercial Corporation to co-ordinate the foreign trade policies of all Asian countries for the purpose of promoting the economic development of the region. Its functions would be to promote the improvement of national handicraft industries, the expansion of trade in handicraft products, export and consumption of raw materials of the region, the supervision of the acquisition of capital investment, the elimination of the evils of competitive bidding, and finally the corporation will deal with problems of foreign investment and their regulation in the interests of both the lender and the borrower.

(3) *The Worker and the State*—by Sir Frank Tillyard. London, George Routledge and Sons, Ltd., 1948 (Third Edition).

First published in 1923 and since revised and re-edited in 1936 and again in 1948, this book is designed, not so much to give a detailed work of reference on labour legislation in Great Britain, as to present in readable form a full and accurate account of existing law on matters of direct concern to the workers, such as wages, labour protection, social security, industrial health and safety, trade unions and trade disputes. Account is taken in this latest edition of all important social legislation approved since 1936, including the post-war Acts based on the Beveridge Scheme for Social Security.

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THE ASIAN REGIONAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION

(Nuwara Eliya—January, 1950.)

The First Asian Regional Conference of the ILO was held at Nuwara Eliya from January 16-27, 1950.

The items on the Agenda of the Conference were—

1. Labour Inspection.
2. Provision of facilities for the promotion of workers' welfare.
3. Development of Co-operative Movement.
4. Points to be considered in a survey of agricultural wages and incomes of primary producers with a view to wage regulation and introduction of measures to increase their incomes.
5. Organisation of manpower, with special reference to the development of employment services and training.
6. Report of the Director-General.

The conference was attended by—

Representatives of the Governing Body of the International Labour Office;

Delegations from the following countries:—

Afghanistan, Australia, Burma, Cambodia, Ceylon, France, Hongkong, India, Laos, Malayan Federation, Netherlands, New Zealand, Pakistan, Philippines, Singapore, United Kingdom, United States of Indonesia, Vietnam.

The delegations were composed of 32 Government delegates, 14 employers' delegates and 14 workers' delegates, i.e., a total of 60 delegates. There were, besides, 33 Government advisers, 14 employers' advisers and 15 workers' advisers, i.e., a total of 62 advisers.

Observers from the following countries were also present:—

Japan	..	..	8
U. S. A.	..	..	3

In accordance with Part I of Article 2—relating to reciprocal representation—of the Agreement between United Nations and the ILO which came into force on December 14, 1946, representatives of the United Nations were represented at the Conference.

The following official International Organizations also accepted invitations to the Conference and sent representatives:—

Food and Agricultural Organization of the United Nations,
United Nations Educational, Scientific and Cultural Organization,
World Health Organization.

Representatives of the following organizations had also been invited:—

World Federation of Trade Unions.

International Federation of Christian Trade Unions.

The Conference started on Monday, January 16, 1950, at 10 a.m. when Mr. L. E. Troclet, Chairman of the Governing Body of the International Labour Office, declared the Conference open. Lord Soulbury, Governor-General of Ceylon, and Mr. J. J. Kanagaratnam, Mayor of Nuwara Eliya, were present at the opening-sitting. After

their addresses of welcome, the Conference unanimously elected the Hon. Mr. T. B. Jayah (Minister of Labour and Social Services of Ceylon) President of the Conference. On the same day the Conference was also addressed by two visiting Ministers, namely, Mr. Philip Noel-Baker, Secretary of State for Commonwealth Relations of the United Kingdom, and Mr. F. W. Doidge, Member of External Affairs, New Zealand. Thereafter the Conference elected three Vice-Presidents as follows:—

Government Group—Mr. A. Roldan (Philippines).

Employers' Group—Mr. M. A. Master (India).

Workers' Group—Mr. V. N. M. Menon (Malayan Federation).
tion).

Five Committees were then set up, one for each of the technical items on the Agenda. Reports on the respective subjects prepared by the International Labour Office were discussed and examined by the Committees and agreed conclusions were arrived at by each Committee.

The final reports and resolutions submitted by these Committees were adopted by the Conference.

The Conference also adopted the following resolutions:—

1. Resolution concerning Asian representation in the Governing Body and its Committees

Whereas the countries of Asia constitute a very large percentage of the world's population, and whereas improved standards of living in the countries of Asia are essential in order to ensure continued economic progress and social amelioration, this Conference is of the opinion that the countries of Asia must be enabled to take an effective part in the deliberations of the International Labour Organization.

Further, having regard to the recent social and political changes that have come over Asia, this Conference strongly recommends that the Governing Body should consider what steps should be taken to ensure equitable and adequate representation to the countries of Asia in the Governing Body and its Committees.

2. Resolution concerning Field Offices in Asia

Whereas it is desirable for the purpose of facilitating economic development, increased productivity and social progress, that the experience of all other countries in the fields of technical training, employment service techniques and other aspects of manpower should be placed at the disposal of all Asian countries.

This Asian Regional Conference—

Welcomes the action already taken by the ILO to establish a Field Office in Asia, and

Recommends to the Governing Body to give consideration to the feasibility of establishing at an early date additional such offices in Asia in order to fulfil the foregoing objective.

3. Resolution concerning Asian Seafarers

This Conference, having regard to the resolution concerning the seafarers adopted at the Preparatory Asian Regional Labour Conference at New Delhi in 1947, recommends to the Governing Body to consider the need for holding at an early date a Tripartite Maritime Conference of Asian countries and other countries employing Asian seamen and to direct the Office to prepare a report on the conditions of employment of Asian seafarers.

4. Resolution concerning the Intensification of the Asian Work of the ILO

Considering that the Preparatory Asian Regional Conference had unanimously adopted a resolution concerning the intensification of the Asian work of the ILO,

considering that the said resolution has not yet been fully implemented,

considering that the need for very early action on the clauses of that resolution has become more urgent now,

The Conference reiterates the said resolution and requests the Governing Body to give immediate consideration to such parts of the resolution as have not yet been fully implemented and particularly to the constitution of an Asian Advisory Committee and the establishment of a small co-ordinating secretariat to facilitate the implementation of the programme outlined in that resolution.

5. Resolution concerning the Technical Assistance Programme

The Conference welcomes the Technical Assistance Programme of the ILO and recommends that vigorous action should be taken in co-operation with the United Nations and the other specialised agencies for the speedy implementation of the objectives underlying this programme.

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THE REHABILITATION AND RESETTLEMENT OF DISABLED PERSONS

Their present State of Development in Ceylon

(By Courtesy of the Director of Social Services, Ceylon)

Rehabilitation may be defined as "that part of medical and surgical treatment which is concerned with the full recovery of physical and mental functions that have been damaged by illness or injury, and the restoration of the patient to his former sphere of usefulness or his preparation for a new vocation better suited to his capacity".* There are two main stages involved in this process but the one merges imperceptibly into the other. The restoration of a man means something more than healing a wound or setting a limb. A sense of hopelessness and helplessness which grips a worker on receiving a serious injury, is something which must be combated as vigilantly as medical science is applied to his wounds. The problems of the sick or injured worker are psychological, social and economic as well as medical. Rehabilitation embraces this whole process of recovery and resettlement in employment once again. From the Nation's standpoint, the institution of a rehabilitation service as an integral part of the medical services is an advantage. The injured disabled worker is not only a loss to industry but also a burden to the community. The money expended on such a service is, therefore, a far-sighted investment in that it gains in the preservation of its most valuable asset—the worker.

Due to the large numbers affected by the recent war, the term disabled person is popularly associated with disabled ex-servicemen and the war casualties among Civil Defence personnel and civilians. It must be noted, however, that industrial accidents and diseases are an equally important cause of disablement. In Ceylon, like several other countries, liability for compensation in such cases is placed on the employer under a series of Workmen's Compensation Acts. Under these Acts no obligation is imposed on the employer to assist either in the rehabilitation or resettlement of the worker. With the increasing industrialisation of Ceylon, it is likely that the problem of rehabilitating workers so disabled will assume greater importance. It is conceivable too that industry may throw out larger numbers in the future who are mal-adjusted to their work and environment and these cannot be overlooked in a rehabilitation service.

Two further groups of disabled persons owe their disablement to non-industrial accidents and diseases, and to congenital deformity. These two categories would probably predominate in peace-time or in a non-industrial country like Ceylon. It is essential, however, that all these groups of disabled persons, irrespective of the origin of disablement, should qualify for rehabilitation service.

An important landmark in this field in the United Kingdom was the appointment of the Inter-Departmental Committee on the Rehabilitation and Resettlement of Disabled Persons under the Chairmanship of Mr. George Tomlinson, M.P., in December, 1941. The Final Report published in January, 1943, reviewed the facilities available for a limited number of disabled persons under the Interim Scheme. It emphasised, however, that its proposals for the post-

* "The Road Back to Health"—H.M.S.O.

war scheme which was its main objective should apply to all irrespective of cause, nature and date of disablement. The Committee advocated this principle on two grounds, viz.:—

- “(a) that there is a national duty to see that persons who have suffered disablement are given an opportunity of leading as full and as useful a life as their disablement permits; and
- (b) that as disablement represents a double loss to the community, viz., a reduction of the total productive capacity and an increase in the cost of maintenance and remedial services, the restoration of the disabled person to productive employment will be an economic advantage.”

The Committee envisaged three main stages in the process of rehabilitation, viz.—

- (a) Medical rehabilitation;
- (b) post-hospital rehabilitation; and
- (c) resettlement.

Under medical rehabilitation the Committee reviewed the existing arrangements for specific disabilities including cardiac cases, pulmonary tuberculosis, neurosis and psychosis, and made proposals for the improvement of specialised institutions dealing with such cases. On completion of hospital treatment the majority of persons may be able to return to their former occupation or take up other satisfactory employment. Where, however, further rehabilitation is necessary before being able to resume work, post-hospital rehabilitation commences. This may follow one or more of three courses, viz.—

- (a) fitting of artificial limbs;
- (b) course of reconditioning; and
- (c) vocational training for a new occupation.

While urging the extension of the issue of artificial limbs to all types of disabled persons, the Committee emphasised the importance of securing employment that makes the fullest use of their skill and capacity. For, according to the Committee, “the idea still prevails that a man who has lost a limb, particularly an arm, is unfitted for skilled employment and can only expect employment of a menial character, e.g., a liftman, messenger or attendant.” Reconditioning is the mental and physical restoration of a rehabilitee to full physical fitness after hospital treatment. It is intended to assist the person who on discharge from hospital is not found fit to undergo immediately a full-time course of vocational training. For this purpose, the Committee recommended residential centres providing good food, physical training and exercises, and where possible, light employment. The third course—vocational training centres—was to be provided for those disabled persons who on account of the nature of their disablement cannot be easily fitted into a standard course and require individual attention and medical supervision. The general principles underlying industrial training in particular are:

- (a) The training must be directed towards specific employment; training is worse than useless if at the end of it the person trained cannot be placed with reasonable speed.
- (b) Disablement should not, by itself, constitute a claim to a course of training; there must be evidence that the disablement constitutes a handicap to satisfactory employment

either in the previous or some other occupation, and that a course of training is necessary and may be expected to overcome this handicap.

- (c) The training should be carried to the stage at which the individual can take his place on equal terms with those who have entered employment in the ordinary way—whether under apprenticeship or otherwise.

The final stage of rehabilitation is resettlement. Provision is necessary for persons who are capable of employment under ordinary conditions and for those who are not. For the former the aim should be to obtain available employment which is within their capacity. The Scheme of Resettlement should in no way upset the industrial structure either by imposing a burden on employers or circumvent the normal methods of labour engagement.

Successful rehabilitation depends on the continuity of the process of medical and industrial rehabilitation being maintained. This continuity can be secured mainly by co-ordination between the Government departments concerned and expert individual advice and guidance at all stages.

Some of the broad principles underlying rehabilitation have been outlined above. Their application to any one country would depend on the extent and nature of the problem and the availability of funds.

In Ceylon the Second World War brought home the urgency of rehabilitation measures for the war disabled. The full extent of the general problem of disabled persons will not be known however till statistics are available for all five groups classified according to origin of disablement, viz.:—

- (a) War service;
- (b) Other war casualties;
- (c) Industrial accidents and diseases;
- (d) Non-industrial accidents and diseases; and
- (e) Congenital deformities.

In May, 1943, the Minister of Labour, Industry and Commerce appointed a Committee to report on the Rehabilitation and Resettlement of Disabled Members of the Forces and Civilians. In making their proposals the Committee recommended that eligibility of the scheme should be confined in the first instance to—

- (a) members of the Forces and Civil Defence Services disabled on Service; and
- (b) civilians disabled by enemy action;

and that a scheme for all disabled persons irrespective of the cause of disablement should be prepared later. An Inter-Departmental Committee was appointed in June, 1945, to effect the necessary co-ordination between Government Departments and to inaugurate the scheme. They recommended, *inter alia*, the use of the Orthopaedic Centre at the General Hospital, Colombo, for out-door treatment, till the formulation of a major scheme with a residential rehabilitation centre. Accordingly, disabled ex-servicemen are directed in the first instance to the facilities available at the Rehabilitation Centre, General Hospital, Colombo. The regular attendance for out-door treatment at the Orthopaedic Clinic is encouraged by the issue of free railway warrants and subsistence allowance. On completion of hospital treatment the Department of Social Services assists in their resettlement in Civil employment. In this work the Department

functions in close co-operation with the Resettlement Bureau of the Ceylon Ex-Servicemen's Association and the Employment Exchanges of the Department of Labour who were responsible for resettlement from the inception of the scheme till 1948. For the more severely disabled a special scheme provides a grant not exceeding Rs. 500 "to substantially disabled ex-servicemen whose disability is attributable to war service or aggravated to a material extent by war service and where the disability constitutes a substantial handicap to getting or keeping suitable employment or work". The purpose of the grant is to enable the disabled ex-servicemen to set up on his own account where the nature of his disability prevents him obtaining or retaining employment under ordinary conditions. During 1948, under this scheme grants amounting to Rs. 8,825 were paid to 21 deserving cases.

For the other groups of disabled persons facilities for hospital rehabilitation are available through the Rehabilitation Centre, General Hospital, Colombo. If necessary the patient is directed for further treatment to special clinics and hospitals, viz., Orthopædic Clinic, Neuro-Psychiatric Clinic, Tuberculosis Hospital.

An important scheme of rehabilitation and resettlement for the adult deaf and blind is the proposal regarding sheltered workshops. This scheme which will be run on behalf of Government by the Board of Governors of the Ceylon School for the Deaf and Blind has three main features:—

- (a) the establishment of a workshop with residential accommodation for adult deaf and blind;
- (b) a hostel for the deaf and blind who are in ordinary employment.
- (c) assistance to "Home Workers" by supplementing their earnings and supplying them with raw materials and equipment.

The Department of Social Services grants monthly allowances to mentally or physically disabled persons, who qualify for such assistance under the Department's Public Assistance Rules. The following table gives the numbers thus assisted in relation to the total in receipt of such allowances:—

			<i>Total in receipt of Public Assistance</i>		<i>Number of mentally or physically disabled</i>
1943	..	..	11,094	..	2,616
1944	..	..	11,738	..	2,519
1945	..	..	17,399	..	2,746
1946	..	..	22,025	..	3,566
1947	..	..	23,954	..	3,478

From the foregoing, it is evident that a start has been made on a rehabilitation service. Further developments to extend the scope and facilities may be considered on the lines followed in the United Kingdom where considerable advance has been made.

JUDGMENTS IN APPEAL IN WORKMEN'S COMPENSATION CASES

WORKMEN'S COMPENSATION CASE No. C3/20/47

S. C. No. 585

Present : Nagalingam, J.

Argued on 14th December, 1948.

F. A. Hayley, K.C., with S. J. Kadiragamar, for the Appellant.

H. W. Jayawardene, for the Respondent.

Delivered on 17th December, 1948.

NAGALINGAM, J.—This is an appeal from an order of the Commissioner for Workmen's Compensation awarding compensation to the respondent, the father of a person who was employed under the appellant company and who met with his death in the course of his employment. An appeal to this Court from an order of the Commissioner is confined by Statute to questions of law as distinct from questions of fact.

There were three questions that arose for decision before the learned Commissioner:—

- (1) Whether the deceased was a workman within the meaning of the Workmen's Compensation Ordinance;
- (2) Whether the workman died in an accident arising out of and in the course of his employment;
- (3) Whether the respondent was a dependant of the deceased within the meaning of the Ordinance.

The learned Commissioner has discussed rather fully the first question but, while recording his acceptance of the respondent's testimony in regard to the third question unreservedly, has made little or no reference to the second question.

Mr. Hayley for the appellant argued each of these questions as though a point of law was involved in them, and in each of these cases he built up his argument on a foundation of facts somewhat different from those found by the learned Commissioner.

In regard to the first question, Mr. Hayley's argument proceeded on the footing that the deceased was a checker whose proper duties were confined to remaining on the pavement of the road and checking the number of passengers who were in the bus after it had been brought to a halt at the point of check, and that his duties did not extend to travelling in a bus. I do not think it necessary or advantageous to decide in this case whether a checker with those limited responsibilities, as stated by Mr. Hayley, would be a workman within the meaning of the Ordinance; for the learned Commissioner's finding is that the deceased was a checking inspector whose duties involved, *inter alia*, travelling in buses of the appellant company for the purpose of checking the load of passengers, marking the way-bills, issuing short luggage tickets, noting complaints of passengers and even warning conductors. Mr. Hayley, however, conceded that if the deceased was a checking inspector, the nature of whose duties extended to the various acts specified by the learned Commissioner, then the

deceased would fall within the category of workman as defined in Class I of Schedule II to the Ordinance. The first question, therefore, cannot be canvassed in appeal.

In regard to the second question, though the Commissioner has not discussed it as such, it is quite clear that on his finding of fact, namely, that part of the duties of the deceased employee consisted in his travelling in the buses and having to alight from one bus and board another in the discharge of his ordinary duties, and that it was while he was engaged in an attempt to alight from one bus with a view to board another that he met with his death, no controversy can arise as to whether the deceased met with his death in an accident that arose in connection with and out of his employment, and hence no occasion arose, from the Commissioner's point of view, for the discussion of this question.

Mr. Hayley, however, assuming that the deceased was only a checker who had no business to be on a bus and that he travelled on the bus contrary to orders and also travelled on the footboard of the bus, also contrary to the rules of the Company, contended that the workman did not meet with his death in an accident arising out of his employment, though it may be said that he met with his death in accident arising in the course of his employment. But the learned Commissioner's finding to which I have already adverted negatives the first of the question of fact upon which Mr. Hayley found his argument. In regard to the second question of fact depended on by him, it need only be pointed out that the learned Commissioner's finding is that the deceased stepped on to the footboard of the bus preparatory to alighting from it in order to board a bus coming from the opposite direction. The Commissioner in these circumstances rightly took the view that any rules against travelling on the footboard did not apply to the deceased. The second question, therefore, on this finding of facts does not involve any question of law.

In regard to the third question, the Commissioner has, as stated earlier, accepted the evidence of the respondent that he was dependant entirely on his son at the date when the latter met with his death. Here again, on this finding of fact, no question of law can be said to arise which requires determination.

In view of the foregoing, it would be manifest that the appeal fails and it is therefore dismissed with costs.

WORKMEN'S COMPENSATION CASE No. C3/22/47

S. C. No. 755

Present : Windham, J.

Argued on 10th December, 1948.

C. V. Ranawaka, with M. H. A. Aziz, for the Respondent-Appellant.

No appearance for the Applicant-Respondent.

H. A. Wijemanne, C.C., as Amicus Curiae.

Delivered on 25th January, 1949.

WINDHAM, J.—This is an appeal on two alleged points of law raised by the respondent-appellant (hereinafter called the appellant) against

an order of the Commissioner for Workmen's Compensation awarding to the applicant-respondent (hereinafter called the respondent) Rs. 1,800 as compensation (including costs) in respect of the death of her husband, who had died as the result of a fall from a rubber tree on the land of the appellant. One of the issues was whether the deceased was a "workman" for the purpose of the Workmen's Compensation Ordinance Cap. 117. On evidence which the learned Commissioner accepted, and on the admission of counsel for the appellant, the deceased had climbed the rubber tree at the appellant's request in order to prune it, i.e., to cut a branch off it, and in doing so he fell off the tree and thereby sustained the injuries which resulted in his death.

It is argued for the appellant that the deceased was not employed in any of the capacities set out in Schedule 11 to the Workmen's Compensation Ordinance, so as to make him a "workman" as defined in section 2 (1). The category, within which, it is contended for the respondent that the deceased fell, is clause 23 of Schedule II, as enacted in the Regulation published in the *Gazette* No. 9,264 of 28th April, 1944. That clause provides that, subject to the provisions of section 2 of the Ordinance, a person should be a workman within the meaning of sub-section (1), who is "employed in the tapping or coupling of palm trees, or the plucking of coconuts, or the felling or logging of trees, or the clearing of jungle, or the transport of timber by inland water-ways, or the control or extinguishing of forest fires, or any other work incidental to or connected with any of the operations enumerated in this clause". It is contended for the respondent that the deceased was a workman within this clause as having been employed in the felling or logging of trees or in work incidental to or connected with the felling or logging of trees. This contention must be upheld, for the evidence of the respondent (widow) which the learned Commissioner accepted, was that the deceased was employed by the appellant on the latter's estate in cutting drains, cutting firewood, cutting trenches and felling trees. The felling of trees brings the deceased within the category that I have set out, and makes him a workman, provided either that his employment was not of a casual nature or that it was for the purpose of the appellant's trade or business. With regard to the question whether his accident arose out of and in the course of his employment, the accepted evidence that he climbed and cut the branch at the request of the appellant, and that the felling of trees was one of the things which the appellant employed him to do, was sufficient to enable the learned Commissioner to infer that the accident did so arise. In any event, this is not one of the points raised on appeal.

The remaining point raised is that the deceased was not a workman because his employment was of a casual nature and that he was employed otherwise than for the purpose of the employer's trade or business. There was evidence, which the learned Commissioner accepted, that the deceased had worked habitually for the appellant on his estate over a period of 12 years for 10 to 15 days each month, and that he earned on an average Rs. 60 per month. This evidence was sufficient to support a finding that the deceased was not a casual employee. The question whether he was employed for the purpose of the appellant's trade or business accordingly does not arise, for the definition of "workmen" in section 2 of the Workmen's Compensation Ordinance (Cap. 117) provides that the term does not include "(a) a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's

trade or business." The word which I have italicized being "and" and not "or", the fact that the deceased's employment was not of a casual nature excludes him from the exception to the definition of "workman" even if he was employed otherwise than for the purpose of the employer's trade or business though the evidence on the latter point was in fact equivocal.

Both points of law raised accordingly fail, and the appeal is dismissed.

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DECISIONS OF WAGES BOARDS

THE NEW DECISIONS OF THE WAGES BOARD FOR THE COCONUT MANUFACTURING TRADE WHICH COME INTO FORCE ON MARCH 1, 1950

The decisions made by the Wages Board for the Coconut Manufacturing Trade and set out in the Schedule to the Notification published in *Gazette Extraordinary* No. 9,971 of April 30, 1949, shall be varied in Part V of the Schedule thereto under the heading "Annual Holidays (section 25)", in paragraph 1, by the substitution—

- (1) in sub-paragraphs (a) and (b), for the words "for each unit of five days", of the words "for each unit of four days";
- (2) in sub-paragraph (a), for the words and figures "in excess of 288 days.", of the words and figures "in excess of 284 days.";
- (3) in sub-paragraph (b), for the words and figures "in excess of 264 days.", of the words and figures, "in excess of 260 days."; and
- (4) in sub-paragraphs (c) and (d), for the words and figures "for each unit of 210 pounds", of the words and figures "for each unit of 180 pounds".

Note.—The complete set of Decisions (incorporating the above new decisions) of the Wages Board for the Coconut Manufacturing Trade will appear in the next issue of this *Gazette*.

DECISIONS OF THE WAGES BOARD FOR THE CINEMA TRADE

Wages

PART I

Direction under Section 20 (2) (b)

The special allowance shall be computed and published once a month by the Commissioner of Labour.

The special allowance for each month shall be computed on the cost of living index number for the month immediately preceding the month in respect of which such allowance is to be computed.

PART II (Sections 20 and 26)

1. Wages shall be paid on a monthly basis.
2. The minimum rate of wages for time work shall consist of a basic rate and a special allowance as set out below.
3. (1) A worker of any class specified in this Part shall be paid as wages for any month mentioned in column I below an amount equal to the minimum monthly rate specified in respect of that class in this Part, if he has worked during the minimum number of working days specified in respect of that month in column II below.

I		II		I		II	
Month		Minimum number of working days		Month		Minimum number of working days	
January	..	27		July	..	27	
February	..	24		August	..	27	
March	..	27		September	..	26	
April	..	26		October	..	27	
May	..	27		November	..	26	
June	..	26		December	..	27	

- (2) In respect of each such day of work in any month as is in excess of the minimum number of working days specified in respect of that

month in paragraph 3 (1), the minimum rate of wages payable shall be an amount equal to one and a half times the minimum daily rate ascertained by dividing the minimum monthly rate by 25.

4. Where a worker of any class specified in this Part has commenced employment in the course of any month, he shall be paid as wages for that month an amount which bears to the minimum monthly rate specified in respect of that class in this Part the proportion which the period of his employment bears to the minimum number of working days specified in respect of that month in paragraph 3 (1).

5. Where by reason of any unauthorised absence a worker of any class specified in this Part has not worked in any month during the minimum number of working days specified in respect of that month in paragraph 3 (1), he shall be paid as wages for that month an amount which bears to the minimum monthly rate specified in respect of that class in this Part the proportion which the difference between such minimum number of working days and the number of days of unauthorized absence bears to such minimum number of working days.

6. Absence from work on holidays, on days on which the employer fails to provide work, and on days for which leave with full pay is allowed to a worker, shall not be deemed to be unauthorized absence.

7. For the purposes of computing the wages of a worker, a holiday referred to in Part III shall be deemed to be a day on which the worker has worked.

1 Class of Worker	2 Basic Rate for a Month		3 Rate of Special Allowance for a Month	
	Within the Municipal areas	Outside the Municipal areas	(a)	(b)
			Where the cost of living index number for the preceding month is 200, the special allowance shall be—	Where the cost of living index number for the preceding month is above or below 200, the rate of the special allowance prescribed in the preceding column (a) shall be increased or decreased, as the case may be, for each complete unit of 5 points by which the index number exceeds or falls short of 200 (no account being taken of any fraction of that unit) by an amount computed at the rates set out hereunder as illustrated in the tables below*
	Rs. c.	Rs. c.	Rs. c.	Rs. c.
A.—Non-Clerical				
<i>Unskilled</i>				
Advertisement cart puller ..				
Advertisement or poster boy ..				
Bathroom boy ..				
Car or cycle park attendant ..				
Chocolate boy ..				
Cleaner ..				
Cloak room boy ..				
Conservancy labourer ..				
Garden labourer ..				
Gate-keeper ..	32 25 ..	32 25 ..	16 12 ..	0 78
Hall boy ..				
Peon ..				
Sandwich boy ..				
Soft drinks keeper ..				
Unskilled labourer ..				
Usher ..				
Ushurette ..				
Waiter ..				
Watcher (day) ..				
Watcher (night) ..				

1 Class of Worker	2 Basic Rate for a Month				3 Rate of Special Allowance for a Month	
	Within the Municipal areas	the Outside the Municipal areas	the	Where the cost of living index number for the preceding month is 200, the special allowance shall be—	(a)	(b)
	Rs. c.	Rs. c.			Rs. c.	Rs. c.
<i>Semi-skilled</i>						
Assistant bar-keeper ..	37 50 ..	35 0 ..	18 72 ..	0 78		
Assistant engine driver ..						
Checker ..						
Cook, Grade II (lower) ..						
Re-winder ..						
Telephone operator ..						
Third Assistant operator ..						
<i>Skilled, Grade II</i>						
Assistant operator ..	50 0 ..	42 0 ..	20 54 ..	0 78		
Bar-keeper ..						
Carpenter ..						
Cook, Grade I (higher) ..						
Electrician, Grade II ..						
Film room repairer, Grade II ..						
Non synch operator ..						
Second assistant operator ..						
Supervisor or head checker ..						
Tent master ..						
Wireman ..						
Fireman ..						
<i>Skilled, Grade I</i>						
Armature winder ..	60 0 ..	55 0 ..	20 54 ..	0 78		
Electrician, Grade I ..						
Engine driver ..						
Film room repairer, Grade I ..						
Head operator ..						
Tent maker ..						
<i>B.—Clerical</i>						
<i>Grade III</i>						
Advertisement clerk ..	45 0 ..	40 0 ..	21 0 ..	0 50		
Assistant cashier clerk ..						
Despatch and clearing clerk ..						
Advance booking clerk ..						
Booking clerk ..						
<i>Grade II</i>						
Advertisement manager ..	50 0 ..	45 0 ..	24 0 ..	0 50		
Cashier clerk ..						
Clerk (accounts and general) ..						
Typist ..						
Wharf clerk ..						
Storekeeper ..						
Book-keeper ..						
<i>Grade I</i>						
Head clerk ..	100 0 ..	100 0 ..	29 0 ..	0 50		

* Tables illustrating the application of the directions set out in column 3 (b) above.

1. Special allowance in the event of a rise in the index number—

Index Numbers	Special Allowance					
	A.—Non-clerical			B.—Clerical		
	Unskilled workers	Semi- skilled workers	Skilled workers, Grade I and Skilled workers, Grade II	Grade III	Grade II	Grade I
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.
200-204 ..	16 12 ..	18 72 ..	20 54 ..	21 0 ..	24 0 ..	29 0 ..
205-209 ..	16 90 ..	19 50 ..	21 32 ..	21 50 ..	24 50 ..	29 50 ..
210-214 ..	17 68 ..	20 28 ..	22 10 ..	22 0 ..	25 0 ..	30 0 ..
215-219 ..	18 46 ..	21 6 ..	22 88 ..	22 50 ..	25 50 ..	30 50 ..
220-224 ..	19 24 ..	21 84 ..	23 66 ..	23 0 ..	26 0 ..	31 0 ..
225-229 ..	20 2 ..	22 62 ..	24 44 ..	23 50 ..	26 50 ..	31 50 ..
230-234 ..	20 80 ..	23 40 ..	25 22 ..	24 0 ..	27 0 ..	32 0 ..
235-239 ..	21 58 ..	24 18 ..	26 0 ..	24 50 ..	27 50 ..	32 50 ..
240-244 ..	22 36 ..	24 96 ..	26 78 ..	25 0 ..	28 0 ..	33 0 ..
245-249 ..	23 14 ..	25 74 ..	27 56 ..	25 50 ..	28 50 ..	33 50 ..
250-254 ..	23 92 ..	26 52 ..	28 34 ..	26 0 ..	29 0 ..	34 0 ..
255-259 ..	24 70 ..	27 30 ..	29 12 ..	26 50 ..	29 50 ..	34 50 ..
260-264 ..	25 48 ..	28 8 ..	29 90 ..	27 0 ..	30 0 ..	35 0 ..
265-269 ..	26 26 ..	28 86 ..	30 68 ..	27 50 ..	30 50 ..	35 50 ..
270-274 ..	27 4 ..	29 64 ..	31 46 ..	28 0 ..	31 0 ..	36 0 ..

2. Special Allowance in the event of a fall in the index number—

200-196 ..	16 12 ..	18 72 ..	20 54 ..	21 0 ..	24 0 ..	29 0 ..
195-191 ..	15 34 ..	17 94 ..	19 76 ..	20 50 ..	23 50 ..	28 50 ..
190-186 ..	14 56 ..	17 16 ..	18 98 ..	20 0 ..	23 0 ..	28 0 ..
185-181 ..	13 78 ..	16 38 ..	18 20 ..	19 50 ..	22 50 ..	27 50 ..
180-176 ..	13 0 ..	15 60 ..	17 42 ..	19 0 ..	22 0 ..	27 0 ..
175-171 ..	12 22 ..	14 82 ..	16 64 ..	18 50 ..	21 50 ..	26 50 ..
170-166 ..	11 44 ..	14 4 ..	15 86 ..	18 0 ..	21 0 ..	26 0 ..
165-161 ..	10 66 ..	13 26 ..	15 8 ..	17 50 ..	20 50 ..	25 50 ..
160-156 ..	9 88 ..	12 48 ..	14 30 ..	17 0 ..	20 0 ..	25 0 ..
155-151 ..	9 10 ..	11 70 ..	13 52 ..	16 50 ..	19 50 ..	24 50 ..
150-146 ..	8 32 ..	10 92 ..	12 74 ..	16 0 ..	19 0 ..	24 0 ..
145-141 ..	7 54 ..	10 14 ..	11 96 ..	15 50 ..	18 50 ..	23 50 ..
140-136 ..	6 76 ..	9 36 ..	11 18 ..	15 0 ..	18 0 ..	23 0 ..
135-131 ..	5 98 ..	8 58 ..	10 40 ..	14 50 ..	17 50 ..	22 50 ..
130-126 ..	5 20 ..	7 80 ..	9 62 ..	14 0 ..	17 0 ..	22 0 ..

Definition of a Normal Working Day (Section 24)

The number of hours constituting a normal working day (inclusive of one hour for a meal) shall be nine.

Overtime Rate

In respect of each hour of work in excess of the normal working day, the minimum overtime rate shall be the minimum hourly rate (ascertained by dividing the minimum monthly rate by 200) increased by 50 per cent. of such minimum hourly rate.

Annual Holidays (Section 25)

1. If a worker has been in continuous employment and has worked under the same employer for more than 243 days in any year, he shall be allowed in the next succeeding year a holiday or holidays calculated at the rate of one holiday for each unit of 4 days by which the number of days on which the worker has worked exceeds 243: Provided, however, that it shall not be obligatory on an employer to allow any such holiday in respect of any period of work in excess of 332 days.

In this paragraph "days on which a worker has worked" includes—

(a) every holiday allowed by the employer to the worker under section 25;

- (b) every day of absence on any grounds approved by the employer;
- (c) every day of absence due to any injury to the worker caused by an accident arising out of and in the course of his employment;
- (d) every day of absence due to anthrax or any occupational disease specified in Schedule III of the Workmen's Compensation Ordinance (Chapter 117);
- (e) every day on which the employer fails to provide work for the worker;
- (f) every day of absence due to a strike or lockout that is not illegal, in case such days do not in the aggregate exceed 30 days a year; and
- (g) every holiday or day of absence from work to which a worker is entitled by or under the provisions of any written law other than the Wages Boards Ordinance.

2. (1) If a worker is entitled in any year to 6 holidays he shall be allowed, and he shall take, those 6 holidays on consecutive days.

(2) If a worker is entitled in any year to more than 6 holidays he shall be allowed, and he shall take, 6 holidays on consecutive days but he shall not be allowed more than 7 holidays on consecutive days.

3. Subject to the provisions of paragraphs 2 and 5, a worker shall be allowed his holiday or holidays on a day or days to be mutually agreed upon between him and his employer.

4. The remuneration of a worker in respect of a holiday taken in any month shall be included in, and paid out of, his wages for that month, such wages being computed in accordance with the provisions of Part II of the Schedule to the Notification under section 27 (3) of the Wages Boards Ordinance published in *Gazette* No. 9,961 of March 30, 1949.

5. Where a worker intends to leave his employment of his own accord or is to be discontinued or dismissed from employment, such worker shall be entitled to take and shall take, during the period immediately preceding such leaving, discontinuance or dismissal—

- (a) every holiday that he was entitled to in respect of the previous year which he has not already taken; and
- (b) in case the worker has during the current year complied with the provisions relating to employment and work set out in paragraph 1, every holiday that he would have otherwise been entitled to in the next succeeding year;

and he shall be remunerated for such holidays in accordance with the provisions of paragraph 4:

Provided, however, that the total number of holidays that such a worker might take in any year shall not exceed 21.

6. In these paragraphs, "year" means a continuous period of 12 months.

7. The forgoing decisions shall not apply in respect of employment at any time more than 12 months prior to the date on which the decisions come into force.

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TABLE I—COST OF LIVING INDEX NUMBERS—COLOMBO WORKING CLASS

Base : November, 1938-April, 1939 = 100

GROUPS OF HOUSEHOLD EXPENDITURE

Year	Food	Fuel and Light	Rent	Clothing	Miscellaneous	Final Index Number
Group Weights	52.40 ..	6.28 ..	15.96 ..	8.36 ..	17.00 ..	(Nov. 1938-Apr. 1939 = 100)

INDEX NUMBERS

Base : November, 1938-April, 1939 = 100

1939	..	112 ..	102 ..	97 ..	112 ..	104 ..	108
1940	..	115 ..	103 ..	97 ..	128 ..	111 ..	112
1941	..	129 ..	108 ..	96 ..	153 ..	116 ..	122
1942	..	183 ..	171 ..	93 ..	194 ..	144 ..	162

Base : November, 1942 = 100

Index Number
Nov., 1942
= 100

Group Weights			63.66 ..	7.26 ..	7.06 ..	8.78 ..	13.24							
1943	..	103	..	94	..	105	..	138	..	118	..	107	..	197
1944	..	102	..	94	..	105	..	156	..	127	..	109	..	200
1945	..	110	..	94	..	112	..	165	..	158	..	121	..	221
1946	..	113	..	111	..	124	..	180	..	155	..	125	..	228
1947	..	126	..	121	..	136	..	213	..	157	..	138	..	252
1948	..	138	..	101	..	148	..	189	..	157	..	142	..	260
1949	..	144	..	97	..	128	..	156	..	148	..	141	..	258
January	..	147	..	99	..	129	..	174	..	143	..	144	..	263
February	..	145	..	98	..	129	..	166	..	146	..	143	..	261
March	..	143	..	98	..	129	..	160	..	145	..	140	..	257
April	..	141	..	96	..	126	..	160	..	145	..	140	..	255
May	..	141	..	96	..	129	..	155	..	148	..	139	..	254
June	..	141	..	96	..	129	..	156	..	150	..	140	..	255
July	..	142	..	96	..	120	..	153	..	151	..	140	..	256
August	..	142	..	96	..	129	..	149	..	152	..	140	..	256
September	..	143	..	96	..	129	..	146	..	151	..	140	..	256
October	..	146	..	96	..	129	..	150	..	148	..	142	..	259
November	..	148	..	96	..	129	..	152	..	149	..	143	..	262
December	..	149	..	96	..	129	..	153	..	148	..	144	..	264

1950—

January	..	155 ..	96 ..	129 ..	152 ..	151 ..	148 ..	271
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