

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

NATIONAL INSTITUTE OF LABOUR

STUDIES ACT, No. 12 OF 2010

[Certified on 06th October, 2010]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of October 08, 2010

PRINTEDAT THEDEPARTMENT OFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THEGOVERNMENT PUBLICATIONSBUREAU, COLOMBO 5

Price : Rs. 10.00 Postage : Rs. 10.00

National Institute of Labour Studies 1

Act, No. 12 of 2010

[Certified on 06th October, 2010]

L.D.—O. 59/2006.

ANACT TO ESTABLISH ANATIONAL INSTITUTE OF LABOUR STUDIES; TO

ESTABLISH A BOARD OF GOVERNORS FOR THE ADMINISTRATION OF

THE INSTITUTE; TO ESTABLISH TECHNICAL COMMITTEES AND A

DIVISION OF STUDIES FOR TRADE UNIONS; TO CONDUCT RESEARCH,

CARRY OUT SURVEYS AND PROVIDE TRAINING FOR THE PROMOTION OF

LABOUR STUDIES IN SRI LANKA; AND TO PROVIDE FOR MATTERS

CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :-

1. This Act may be cited as the National Institute of Short title.

Labour Studies Act, No. 12 of 2010.

ESTABLISHMENT OF THE NATIONAL INSTITUTE OF LABOUR STUDIES

2. (1) There shall be established, in accordance with Establishment of

the provisions of this Act, an Institute which shall be called the National

Institute of

the National Institute of Labour Studies (hereinafter referred

Labour Studies.

to as the “Institute”).

(2) The Institute shall, by the name assigned to it by

subsection (1), be a body corporate with perpetual succession

and a common seal and may sue and be sued in such name.

3. The objects of the Institute shall be— Objects of the

Institute.

(a) to implement workers education programmes with

the collaboration of local or foreign institutes, to

take measures to ensure welfare of workers in order

to make them active partners in the development

process;

(b) to conduct seminars, workshops, conferences and

meetings on labour studies and publish magazines,

journals, periodicals and books in relation thereto;

2—PL 005150—4090 (08/2010)

2 National Institute of Labour Studies

Act, No. 12 of 2010

(c) to undertake research, carry out surveys and

provide courses of studies relating to labour

studies;

(d) to establish and maintain libraries and information

services;

(e) to work in close collaboration with institutions,

organizations, associations and societies both

national and foreign, with similar objectives;

(f) to conduct courses including Diploma Courses on

Labour Studies with the assistance of Universities

and similar institutions and award certificates and

diplomas where so required; and

(g) to engage in and promote activities aimed at

maintaining industrial harmony.

Powers of the 4. The Institute shall have such powers as may be

Institute.

necessary for the discharge of its objects and functions and

in particular shall have the power to do all or any of the

following:—

(a) to acquire, hold, take or give on lease or hire,

mortgage, pledge and sell or otherwise dispose of,

any movable or immovable property;

(b) to open and maintain current, savings or deposit

accounts in any bank or banks;

(c) to accept grants or donations from persons or bodies

of persons, whether in or outside Sri Lanka;

(d) to enter into or perform, all such contracts as may

be necessary for the exercise of its powers or the

discharge of its functions;

National Institute of Labour Studies 3

Act, No. 12 of 2010

(e) to invest any money belonging to the Institute

including any unapplied income, in any security

or to invest any such money in the purchase of

immovable property in Sri Lanka or vary such

investments, or to place in fixed deposits in any

bank; any portion of such money as are not required

for immediate expenditure;

(f) to borrow such sums of money as may be necessary

for the purpose of discharging its functions;

(g) to enter into agreements with other institutions,

whether in Sri Lanka or abroad, having objects

wholly or partly similar to those of the Institute for

the exchange and training of personnel, research

and advisory services; and generally, for such

purposes as may be in furtherance of their common

objectives;

(h) to appoint, employ, remunerate and exercise

disciplinary control over and dismiss such officers

and servants as are necessary for the discharge of

the functions of the Institute under this Act;

(i) to charge fees for the services and assistance

provided by the Institute; and

(j) to do all such other things which in the opinion of

the Institute are necessary to facilitate the discharge

of its functions.

5. (1) The administration, management and control of Administration

the affairs of the Institute shall be vested in the Board of of the Institute

to be vested in

Governors of the Institute (hereinafter referred to as the the Board.

“Board”).

(2) The Board shall for the purpose of administering the

affairs of the Institute exercise, perform and discharge the

powers, duties and functions conferred or imposed on or

assigned to the Institute by this Act.

4 National Institute of Labour Studies

Act, No. 12 of 2010

Constitution of 6. (1) The Board shall consist of the following :—

the Board.

(a) six ex-officio members, namely—

(i) the Secretary to the Ministry of the Minister

in charge of the subject of Labour;

(ii) Commissioner-General of Labour;

(iii) the Secretary to the Ministry of the Minister

in charge of the subject of Industrial

Development or his representative;

(iv) a representative from the General Treasury;

(v) The Director-General of the Institute; and

(vi) a representative from the Universities

nominated by the University Grants

Commission established by the Universities

Act, No. 16 of 1978;

(b) thirteen members appointed by the Minister

(hereinafter referred to as the “appointed members”),

namely—

(i) an officer, not below the rank of a Senior

Assistant Secretary, of the Ministry of the

Minister in charge of the subject of Public

Administration, nominated by that Minister;

(ii) an officer, not below the rank of a Senior

Assistant Secretary of the Ministry of the

Minister in charge of the subject of

Education, nominated by that Minister;

(iii) an officer, not below the rank of a Senior

Assistant Secretary of the Ministry of the

Minister in charge of the subject of

Vocational Training, nominated by that

Minister;

National Institute of Labour Studies 5

Act, No. 12 of 2010

(iv) four members representing trade unions;

(v) four members representing employers; and

(vi) two members distinguished in the field of

Labour Studies.

(2) The Secretary to the Ministry of the Minister in charge

of subject of Labour shall be appointed by the Minister as

the Chairman of the “Board” and the Commissioner-General

of Labour shall be as the Vice-Chairman of the Board.

(3) The Chairman and Vice-Chairman shall hold office

for a term of three years and shall be eligible for

reappointment.

(4) If the Chairman is by reason of illness or absence from

Sri Lanka, temporarily unable to perform the duties of his

office, the Minister shall appoint Vice-Chairman to act in

his place.

(5) If the Vice-Chairman is by reason of illness or absence

from Sri Lanka, temporarily unable to perform the duties of

his office, the Minister may appoint another member to act

in his place.

(6) A person shall be disqualified from being appointed

or from continuing as a member of the Board, if he—

(i) is, or becomes a member of Parliament or a member

of a Provincial Council or a member of a Local

Authority as the case may be; or

(ii) directly or indirectly, holds or enjoys any right or

benefit under any contract made by or on behalf of

the Institute; or

(iii) has any financial or other interest as is likely to

affect prejudicially the discharge by him of his

functions as a member of the Board.

6 National Institute of Labour Studies

Act, No. 12 of 2010

(7) The members of the Board holding office on the day

immediately preceding the date of commencement of this

Act shall continue to hold office until such time the Board is

reconstituted under section 6 of the Act.

Duties of the 7. It shall be the duty of the Board to advice the Minister

Board. on any or all of the matters related to the objects of the

Institute and or any such matter referred to the Board for

advice by the Minister.

Power of the 8. (1) The Minister may give special or general directions

Minister to give in writing as to the performance of the duties and the exercise

special or

of the powers of the Board, and the Board shall give effect to

general

directions to the such directions.

Board.

(2) The Minister may in consultation with the Board

exempt any member of trade union from the payment of a fee.

Term of office. 9. (1) An appointed member of the Board shall hold

office for a period of three years from the date of such

appointment.

(2) The Minister may if he considers it expedient to do

so, by Order published in the Gazette, remove, with reasons

assigned therefor, any appointed member of the Board from

office.

(3) An appointed member of the Board in respect of whom

an Order under subsection (2) is made by the Minister shall

vacate his office on the date of the publication of such Order

in the Gazette.

(4) An appointed member of the Board may at any time

resign his office by a letter addressed to the Minister.

(5) In the event of a vacancy occurring in the

membership of the Board as a result of any appointed

member vacating office by death, resignation, removal from

office or otherwise, another person shall, having regard to

the provisions of section 6, be appointed to fill such

vacancy.

National Institute of Labour Studies 7

Act, No. 12 of 2010

(6) Where another person is appointed to fill a vacancy

caused by the death, resignation, removal from office or

otherwise of an appointed member, the person so appointed

shall hold such office for the unexpired period of the term of

office of the member of the Board whom he succeeds.

(7) Where any appointed member is by reason of illness,

infirmity or absence from Sri Lanka temporarily unable to

perform his duties, for a period of not less than three months,

another person may having regard to the provisions of section

6, be appointed to act in his place.

(8) Any appointed member of the Board, who is absent

without leave from three consecutive meetings of the Board

shall be deemed to have vacated his office.

10. (1) The Chairman or in absence of the Chairman, Meetings of the

the Vice-Chairman shall preside at all meetings of the Board. Board.

In the absence of the Chairman or Vice-Chairman from any

meeting of the Board, the members present at such meeting

shall nominate one member from amongst those present, to

preside at such meeting.

(2) In the event of an equality of votes at any meeting of

the Board, the Chairman, Vice-Chairman or the member

presiding at such meeting shall in addition to his vote, have

a casting vote.

(3) The meetings of the Board shall be convened by the

Chairman and shall be held as frequently as is necessary for

the purpose of effectively discharging the functions of the

Institute under this Act.

(4) The quorum for meeting of the Board shall be five

members.

(5) The Board may pay any member with the approval of

the Minister, such remuneration or allowance, as may be

decided by the Board with the concurrence of the Minister

in charge of the subject of Finance.

8 National Institute of Labour Studies

Act, No. 12 of 2010

(6) Subject to the provisions of this Act, regulations

may be made by the board regulating the procedure to be

followed with regard to the conduct of its meetings and the

transaction of business at such.

(7) The Board shall in the exercise of its powers, the

performance of its duties and the discharge of its functions,

be subject to and act in accordance with such directions as

the Minister may from time to time issue.

Delegation of 11. (1) The Board may delegate to any member of the

powers and Board any of the powers and duties.

duties of the

Board.

(2) The member to whom such powers and duties have

been delegated shall exercise and perform such powers and

duties subject to the general or special directions of the

Board, which may be issued from time to time.

Proceedings of 12. Subject to the provisions of subsection (4) of section

the Board not to 10 the Board shall have the power to act notwithstanding

be invalid by

reason of any any vacancy in its membership and no act or proceedings of

vacancy or the Board shall be invalid by reason only of the existence of

defect in the any such vacancy or any defect in the appointment of a

appointment of

member. member thereof.

Seal of the 13. The seal of the Board—

Board.

(a) shall be in the custody of the Chairman of the Board;

(b) shall be of such design and shall be approved by

the Board and may be altered in such manner as

may be determined by the Board; and

(c) shall not be affixed to any document except in the

presence of two members of the Board, both of whom

shall sign the document in token of their presence.

National Institute of Labour Studies 9

Act, No. 12 of 2010

STAFF OF THE INSTITUTE

14. Subject to the provisions of this Act and any Staff of the

regulations made thereunder, the Board shall have the Institute

power to—

(a) appoint, dismiss, and exercise disciplinary control

over the officers and servants of the Institute;

(b) fix the wages or salaries or other remuneration of

the staff;

(c) determine the terms and conditions of service of

such staff; and

(d) establish and regulate schemes for the benefit of

such staff.

15. (1) The Board shall appoint a person to be the Appointment of

the Director-

Director-General of the Institute, who shall be the Chief

General.

Executive Officer of the Institute for a period of three years

and eligible for reappointment if the Board decides.

(2) The Director-General shall execute or perform such

powers, functions and duties as may be delegated to him by

the Board.

(3) The Board may appoint such other Directors as may

be necessary for the purposes of the Institute.

16. (1) The Board may appoint such number of Technical Establishment of

Committees as are necessary for the purpose of carrying out Technical

Committees.

the functions under this Act.

(2) A Technical Committee appointed by the Board shall

carry out its functions and fulfill its obligations as stipulated

in the terms of reference given to such Technical Committee

by the Board.

10 National Institute of Labour Studies

Act, No. 12 of 2010

(3) The Board shall determine the period of office of each

Technical Committee and reconstitute the same wherever

necessary.

(4) The Board may where it consider it necessary so to

do, co-opt as a member to a Technical Committee any person

who possesses the required knowledge and experience in

the relevant field.

(5) The Technical Committee shall comprise of three

members. Namely, a representative each of the employees,

the employers and the public sector.

(6) The Board shall nominate one member to be the

Chairman of the Committee.

(7) The Board may pay to any member or co-opted member

of a Technical Committee with the approval of the Minister,

such remuneration or allowance, as may be decided by the

Board.

Establishment of 17. (1) There shall be established a Division of Studies

a Division of for Trade Unions (hereinafter referred to as “the Division of

Studies for

Trade Unions. Studies”) for the implementation of the objects set out in

subsection(4). The Division of Studies shall commence the

discharge of its functions from such date as the Minister

may by Order published in the Gazette appoint .

(2) The Board shall appoint a Director who shall function

as the Divisional Head of the Division of Studies.

(3) The Board shall appoint officers and servants as may

required for the purposes of the Division of Studies.

(4) The objects of the Division of Studies shall be to—

(a) provide training for members of Trade Unions,

employees, employers, representatives of employers

and employees and public servants; and

National Institute of Labour Studies 11

Act, No. 12 of 2010

(b) conduct training courses, seminars, workshops

on labour laws, trade unions, finance, commerce,

trade, supply of goods and services, labour

management and such other courses which in the

opinion of the Board will facilitate development of

trade unions.

(5) The Divisional Head of the Division of Studies and

officers and servants shall act under the general or special

directions of the Director-General of the Institute.

(6) The Board may establish such number of branches of

the Division of Studies in the regions as are required in its

opinion for the achievement of the objects of the Division

of Studies.

18. (1) The Institute may make rules in respect of all or Rules.

any matter for which rules are authorized or required by this

Act to be made.

(2) Every rule made by the Institute under subsection (1)

shall not have effect until it is approved by the Minister and

is published in the Gazette.

19. Where the Institute employs any person who has Service to the

institute deemed

entered into a contract with the Government by which he

to be a service to

has agreed to serve the Government for a specified period, the Government

any period of service to the Institute by that person shall be for the purposes

of certain

regarded as service to the Government for the purpose of

contracts.

discharging the obligations of such contract.

20. (1) At the request of the Board, any officer in the Appointment of

public service serving in the Ministry of the Minister may, public officers

with the consent of the Secretary to the Ministry of the to the staff of

the Institute.

Minister given with the concurrence of the Chairman of the

Public Service Commission and of that officer, be temporarily

appointed to the staff of the Institute for such period as may

be determined by the Board, or with like consent, be

permanently appointed to such staff.

12 National Institute of Labour Studies

Act, No. 12 of 2010

(2) Where any officer in the public service is temporarily

appointed to the staff of the Institute, the provisions of

subsection (2) of section 14 of the National Transport

Commission Act, No. 37 of 1991, shall mutatis mutandis,

apply to and in relation to him.

(3) Where any officer in the public service is permanently

appointed to the staff of the Institute, the provisions of

subsection (3) of section 14 of the National Transport

Commission Act, No. 37 of 1991, shall mutatis mutandis,

apply to and in relation to him.

FINANCE

Fund of the 21. (1) The Institute shall have its own fund.

Institute.

(2) There shall be credited to the fund of the Institute—

(a) all such sums of money as may be voted from time

to time by Parliament for the use of the Institute;

(b) all such sums of money as may be received by the

Institute in the exercise, performance and discharge

of its powers, duties and functions; and

(c) all such sums of money as may be received by the

Institute by way of loans, donations, gifts or grants

from any source whatsoever, whether in or outside

Sri Lanka.

(3) There shall be paid out of the fund of the Institute—

(a) all such sums of money as are required to defray

any expenditure incurred by the Institute in the

exercise, performance and discharge of its powers,

duties and functions under this Act; and

(b) all such sums of money as are required to be paid

out of such fund, by or under this Act.

Financial year of 22. The financial year of the Institute shall be the

the Institute. calendar year.

National Institute of Labour Studies 13

Act, No. 12 of 2010

23. The provisions of Article 154 of the Constitution Audit of

relating to the audit of accounts of public corporations shall Accounts.

apply to and in relation to, the audit of the accounts of the

Institute.

GENERAL PROVISIONS

24. (1) The Minister may make regulations in respect of Regulations.

matters for which regulations are required or authorized by

this Act to be made or which are required by this Act to be

prescribed.

(2) Every regulation made under subsection (1) shall be

published in the Gazette and shall come into operation on

the date of such publication or on such date as may be

specified in such regulation.

(3) Every regulation made under subsection (1) shall as

soon as convenient after its publication in the Gazette be

brought before Parliament for approval and any regulation

which is not so approved shall be deemed to be rescinded

with effect from the date of such disapproval, but without

prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is

deemed to be rescinded shall be published in the Gazette.

25. Any expenses incurred by any person brought Expenses

against him before any court in respect of any act which is incurred by any

person to be

done by him under this Act or on the direction of the Board

paid by the

shall, if the Court holds that the act was done in good faith, Institute.

be paid out of the fund of the Institute.

26. The Institute shall be deemed to be a Scheduled The Institute

Institution, within the meaning of the Bribery Act and the deemed to be a

scheduled

provisions of that Act shall be construed accordingly. Institution

within the

meaning of the

Bribery Act.

14 National Institute of Labour Studies

Act, No. 12 of 2010

Officers and 27. All members, officers and servants of the Institute

servants of the shall be deemed to be public servants within the meaning,

Institute deemed

and for the purposes of the Penal Code.

to be public

servants.

Sinhala text to 28. In the event of any inconsistency between the

prevail in case Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

Interpretation. 29. In this Act, unless the context otherwise requires—

“Labour Studies” shall include the subjects of

industrial relations, national or international

labour standards, laws relating to labour, trade

unions, employer-employee relations,

employer-employee representative or

organizations, worker education, human

resource management and development

administration, business management,

productivity, manufacturing, trade marketing,

social development and any study, project,

programme, research, consultancy, survey,

seminar, workshop, conference, training course

or similar work related to labour economics or

any other subject relevant thereto as shall be

prescribed by the Minister.

National Institute of Labour Studies 15

Act, No. 12 of 2010

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.