

THE SHOP AND OFFICE EMPLOYEES ACT NO.15 OF 1954

The outdated provisions in the Shop and Office Employees Act in relation to working hours and employment of women in the night have become serious concerns and issues to employers, specially setting up business in the BPO industries. We have already made our proposals with regard to an amendment to the law that would facilitate and regularize work of women during the night. Our proposal has been with regard to an amendment to section 10 of the Shop and Office Employees Act which would enable female employees in the business of “information technology enabled services” to work during the night in an office.

In addition to this amendment, we also propose that a similar amendment be brought in under section 10 by the insertion of an additional provision soon after (iv), as (v), which would state as follows:

Any female who has attained the age of 18 years may be employed in the businesses of a shop, which is in the nature of a supermarket store for the period or in part of the period between 6.00 p.m. and 11.00 p.m.

□

“Supermarket Store” would mean a shop operated on a self-service basis selling food and other household goods

The above reforms are imperative for us to compete in the international market and remain competitive. A total prohibition of enabling females to work after 8.00 p.m. other than in very limited establishments under the Shop and Office Employees Act is counter productive, especially where females constitute a substantial portion of the majority in the service sector. Sri Lanka is fertile ground for call centres which require working during the night for obvious

reasons. **Despite repeated requests/submissions made to authorities, the suggested amendment still has not been brought about to the legislation**

Holidays

Another important matter that we have drawn the attention of the authorities to is with regard to holidays. This needs to be addressed from two angles. Firstly, from the point of view of the excessive number of holidays. Secondly, from the point of view of the provisions in the different statutes applicable to the private sector. The following matters should be taken note of in this regard.

a) The period of 28 hours (inclusive of leave and holidays) a week to qualify for the 1-1/2 days paid weekly holidays is not sufficient by way of a qualifying period, as the objective of the weekly holidays provision is to grant a reasonable period of rest to an employee each week. There is no rationale in permitting an employee who does not work the full week (45 hours) the benefit of 1-1/2 days paid weekly holidays. The provision as it stands envisages 1-1/2 days paid holidays a week so long as an employee works 28 hours (inclusive of leave and other holidays).

It is suggested that the qualifying period for 1/1-2 days paid weekly holidays be 45 hours including leave and holidays. An amendment on these lines will assist in permitting better attendance at work and higher productivity

b) **It is not at all logical to insist on additional holidays by way of weekly holidays when the normal weekly holiday coincides with a statutory holiday**. The public sector and a majority of the Wages Boards do not stipulate such additional holidays. Many holidays are granted each year on account of public holidays coinciding with normal weekly holidays for employees covered by the S&O E act. When viewed in the context of the number of holidays in the country, this gives rise for even greater concern. Apart from the aspect of loss of working time due to these additional holidays, much disruption and confusion results as in many Companies, their offices need to be closed on such days whereas their factories remain open. The issue of working time lost and the resultant effect on productivity is exacerbated as these situations invariably lead to long weekends.

It is unfortunate that this issue was discussed before the Labour Law Reforms Sub Committee of the National Labour Advisory Council last year and a suggested compromise was that an amendment to section 5(2) of the S& O E Act be introduced in relation to weekly holidays by way of an additional proviso. The suggested proviso is as follows:

“Provided, however, that in the event a statutory holiday coincides with a weekly holiday or a weekly half holiday the employer shall either grant the additional holiday on any day prior to 31st December in that year or make payment of an additional day’s or half day’s wage as the case may be to the employee in lieu of such additional holiday/half holiday”.



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