

The Employers' Federation of Ceylon

385 J 3, Old Kotte Road, Rajagiriya, Sri Lanka

Telephone: 94-11-2867966-8, 94-11-2867941, Fax: 94-11-2867942, 94-11-2867946

E-mail: EFC@empfed.lk

Website: www.employers.lk

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To: All Members

Increase of the Minimum age of Employment to 16 years – Amendments to the Labour law

In view of the increase in the age of compulsory schooling from 14 years to 16 years, the Parliament has amended the following labour laws in January 2021, repealing the provisions contained therein which enabled persons below 16 years of age to be employed.

- Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954
- Employment of Women, Young Persons and Children Act No. 47 of 1956
- Factories Ordinance No. 45 of 1942
- Minimum Wages (Indian Labour) Ordinance No. 27 of 1927
- Employees Provident Fund Act No. 15 of 1958 (Regulations)

We have listed below, the amendments made under each law for your reference.

(A) Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954

1. Section 10 has been amended by substituting 'fourteen years' with 'sixteen years'.

Accordingly, employing a person who is under 16 years of age in or about the business of a shop or an office will not be permissible.

(B) Employment of Women, Young Persons and Children Act No. 47 of 1956

1. The interpretation (Section 34) of the terms "child", "industrial undertaking" and "young person" have been amended by replacing the reference to persons who are under the age of 14 years with persons who are under the age of 16 years.

The interpretation of the term "night" has been amended by removing the reference to employing persons under the age of 16 years.

The amendment also stipulates that a person who is attending an elementary school and who attains the age of 16 years during a school term does not cease to be a child until the end of that term.

2. Sections 3, 4 and 20 have been amended by substituting the references to persons who have attained the age of 16 but are under the age of 18 and persons between the age of 14 and/or 16 and 18 years with the term “young person” and removing the reference to persons under the age of 16 years.
3. Section 9 has been amended by increasing the minimum age for employment at sea to 16 years and repealing the provision which allowed the designated authority to issue certificates permitting persons between 14 and 15 years to be employed in a vessel. Section 10 on registers or lists of crew under the age of 16 years has been repealed.

In view of these amendments, a person below the age of 16 years cannot be employed in terms of the Act.

(C) Minimum Wages (Indian Labour) Ordinance No. 27 of 1927

1. Section 4 and 11 have been amended by substituting the reference to 14 years with 16 years.
2. The interpretation (Section 18) of “minimum rates of wages” has been amended by substituting the reference to 15 years with 16 years.

Accordingly, employing a person under the age of 16 years will not be permissible in terms of the Ordinance.

(D) Factories Ordinance No 45 of 1942

1. The interpretation of the term ‘young person’ (Section 127 (1)) has been amended to cover a person who has attained the age of 16 but is under the age of 18 years.
2. Section 67 has been amended by the repeal of paragraph (b) and substituting a new paragraph in its place stipulating that a young person should not be employed for more than 12 hours on any day, that such employment should not commence prior to 6 a.m. nor end later than 8 p.m. and on one day of the week the period of employment should end by 1 p.m.
3. Section 68 and 71 have been amended by repealing the references to who have/has attained the age of 16 years but have not attained the age of 18 years and persons who have attained the age of 16. Section 77 on certificate of fitness for employment of young persons has been repealed.

4. Section 86 has been amended by the repeal of the words “and as if the references to young persons included references to all persons who had not attained the age of eighteen”.

In view of these amendments, employing persons below 14 years of age will not be permissible under the Ordinance.

(E) Employees Provident Fund Act No. 15 of 1958

1. The Regulation prescribing the age for the purpose of Section 8 (3) of the Act regarding covered employments and employees to whom the Act applies which was hitherto 14 years has been increased to 16 years by Gazette Extraordinary No. 2209/41 dated January 6, 2021.

In effect, persons under the age of 16 years will not be considered covered employees under the Act since the legally employable age is 16 years.

Vajira Ellepola
Acting Director General