

Labour Conditions in Ceylon

With the attainment of national independence in 1948 and admission to full membership of the International Labour Organisation, Ceylon has acquired a new status, and has also assumed fresh responsibilities arising out of the international labour Conventions and Recommendations. Many of these international standards have clearly influenced the labour code of the Island, and the holding of the next session of the I.L.O. Asian Regional Conference in Ceylon in January 1950 may give a further impetus to the advancement of social measures. It seems appropriate at this stage to review the progress already achieved, which in certain fields, such as minimum wage fixing and labour inspection, has been greater than in most other countries of South-east Asia. An attempt has accordingly been made in the following article, prepared in the New Delhi Branch Office of the International Labour Office, to present a comprehensive survey of labour conditions in Ceylon today.¹

¹ Among the various Government reports which have been freely drawn upon in the preparation of the article, mention should be made of the following in particular :

Administration Report of the Commissioner of Labour for 1948 (Colombo, 1949), as also the reports for preceding years, known prior to 1945 as *Administration Reports of the Controller of Labour* (any further references to these reports are abbreviated to *Labour Commissioner's* (or *Controller's*) *Report*) ;

U. K. COLONIAL OFFICE, Cmd. 6423 : *Labour Conditions in Ceylon, Mauritius and Malaya*, Report by Major G. St. J. ORDE BROWNE, Labour Adviser to the Secretary of State for the Colonies (London, 1943) ; published in Colombo as Sessional Paper XIX—1943 (referred to as *Labour Conditions Report*) ;

Sessional Paper VII—1947 : *Report of the Committee on Social Services* (referred to as *Social Services Report*).

Use has also been made of MINISTRY OF LABOUR AND SOCIAL SERVICES : *25 Years of Labour Progress in Ceylon* (Colombo, 1948) ; DEPARTMENT OF STATISTICS : *Ceylon Year Book, 1948* (Colombo, 1948) ; P. P. PILLAI : *Labour in South-East Asia* (New Delhi, Indian Council of World Affairs, 1947) ; Sir IVOR JENNINGS : *The Economy of Ceylon* (Madras, Oxford University Press, 1948). Other sources are cited in the course of the article.

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FOR a correct appreciation of labour conditions in Ceylon it is first necessary to refer briefly to some of the main characteristics of the country's economy. The great importance of plantations in the economic structure of the Island and the large size of the immigrant element in its labour force have given a peculiar orientation to its labour problems. But although early attempts at safeguarding the workers' interests were limited to employment on plantations, and on these, largely to the immigrant worker, recent labour legislation is far more comprehensive in scope and application. Immigrant and Ceylonese workers receive the same amount of protection, which extends to employment on estates as well as elsewhere. The protection and benefits now afforded relate to such matters as wages, conditions of work, the employment of young persons and women, maternity benefits, industrial safety, industrial relations, employment service, workmen's compensation and poor relief. A comprehensive social security scheme is at present under consideration. The small Department of the Controller of Labour created in 1923 to deal with Indian labour has now become a full-fledged Department of Labour under a Commissioner, and, along with the newly created Department of Social Services, constitutes the Ministry of Labour and Social Services.

THE BACKGROUND

The last census of Ceylon, held in 1946, showed a total population of 6,659,000. With an area of some 25,000 square miles, this represented a density of 262 persons per square mile. The areas devoted to the chief commercial crops of the country—tea, rubber and coconuts—are 533,830, 573,243 and 920,093 acres respectively, excluding holdings of one acre and less in extent. Rice occupies 912,500 acres, and a

few other crops are also grown. Both tea and rubber are plantation crops, and the number of workers employed is large, though it should be noted that there are also a considerable number of small holdings employing only a few or no hired workers. Coconut is also a plantation crop, but a large part of the acreage consists of small holdings of 10 acres or less. These three crops provide more than 90 per cent. of the total value of Ceylon's exports, which help to pay for the imports of food and manufactures.

Detailed figures for the occupational classification of the population are not yet available for 1946. Those for 1921 show that out of a total population of nearly 4,500,000, 2,233,000 were economically active, of whom 704,000, or 31.6 per cent., were engaged in ordinary agriculture; 643,000, or 28.8 per cent., in growing special crops and market gardening, including plantation crops; 289,000, or 12.9 per cent., in industrial occupations; and 162,000, or 7.3 per cent., in trade. It has been estimated that in 1921, persons in paid employment (excluding those in Government service) and their dependants numbered about 1,850,000, including 600,000 on plantations, and that the corresponding figure for 1945 was 2,650,000. In 1946, nearly 850,000 persons were living on plantation estates, and an additional 750,000 persons in rural areas outside the estates depended on the cultivation of the primary crops.

Employment in industrial occupations relates either to the processing of the plantation crops, or to other industries now being developed in the country. In recent years the Department of Industries has established several State factories for such industries as glass, paper, drugs, coir yarn, ceramics, leather, plywood, etc. It is also proposed to start under Government auspices large-scale steel, caustic soda, hydrogenated coconut oil, textile and paper factories, which would give employment to an additional 18,500 workers. At the end of 1948 a total of 2,126 factories were reported to be licensed. There were also 163 registered mines in 1948, mainly in the plumbago industry, employing 3,146 persons. The Port of Colombo gives employment to some 14,000 to 15,000 workers, including stevedores, lightermen, shore labour, etc. A small labour force is employed by the State salterns for making salt. The Government itself affords employment

to about 35,000 persons, of whom nearly 10,000 are employed by the Railway Department and another 10,000 by the Public Works Department.

In spite of the increasing diversification in the industrial structure of the country in recent years, plantations still occupy by far the most important position as large-scale employers of labour and as the chief source of the exports on which the prosperity of the Island depends. For without exports there would be a heavy decline in imports, causing shortages of foodstuffs and manufactures and lack of business and trade in the towns. The welfare of the estate workers, and indeed of all workers in Ceylon, is therefore closely linked with world conditions of demand and supply of the primary products—tea, rubber and coconuts. It is also linked with the conditions of work and employment of workers engaged in the same production in other countries, owing to their influence on the prices of these products in the world market.

The large proportion of immigrant workers, who are drawn from India, to the total number of workers employed on the plantations is illustrated by the following table, which shows the number of Indians and non-Indians on tea and rubber estates employing Indian labour (very little information is available on the number of workers on coconut estates).

TABLE I. EMPLOYMENT ON TEA AND RUBBER ESTATES EMPLOYING INDIAN LABOUR, 1944-1948

Year	Indians	Non-Indians	Total
1944	441,491	120,167	561,658
1945	447,221	120,643	567,864
1946	454,914	126,255	581,169
1947	457,075	128,680	585,755
1948	457,551	121,716	579,267

Source : *Labour Commissioner's Report, 1948*, table XXXI.

Attempts in the past to induce more Ceylonese to work on estates did not meet with unqualified success, and the above figures show that the number is still comparatively small.

ESTATE LABOUR

Early Legislation

The early method of unregulated recruitment of workers from South India¹ was open to grave abuse because of the illiteracy of the immigrants and the practices of the recruiting agents, known as *kanganies*. At the same time, unorganised immigration had led to epidemics of cholera and smallpox which took heavy toll from the wayfarers and also spread to the Ceylonese population. Thus in a joint effort on the part of the Ceylon Government and the planters to secure a steady supply of labour for the plantations under healthy conditions and of the Indian Government to protect its nationals, the Indian worker in Ceylon received early protection. Legislation was enacted aiming, on the one hand, at securing fair terms of employment, and on the other at the prevention of disease.

The Contracts for Hire and Service Ordinance², which was passed in 1865 and applied to servants, labourers in general and journeymen artificers, prescribed conditions for oral and written contracts for hire and services. It contained a special provision preserving the continuity of service of workers in the case of change of ownership of estates, and another special provision dealt with the repatriation of immigrant workers: where an immigrant from India, having contracted in India for service in Ceylon or having contracted in Ceylon for service of not less than a year, was disabled from service and the employer elected to end the contract, the employer was obliged to provide the worker with adequate means of returning to his country. In 1889 the Estate Labour (Indian) Ordinance³, which extended the provisions of the Ordinance of 1865 to estate labour, defined such terms as "estate", "employer", "wages", "checkroll", etc., and gave

¹ For an account of the origin and early history of Indian immigration in Ceylon, see *International Labour Review*, Vol. XXIII, March 1931: "Indian Labour in Ceylon", by Lanka SUNDARAM, pp. 370-372. Further articles on this subject have appeared from time to time in the *Review*, and are cited where appropriate.

² *Legislative Enactments of Ceylon*, Chapter 59.

³ *Ibid.*, Chapter 112.

the workers some protection in the matter of wages.¹ Section 22 of the Ordinance requires every employer to maintain an up-to-date register of all labourers employed on his estate.

In 1899 quarantine camps were first established, where all immigrants could be inspected and, if necessary, detained before being allowed to go to their destinations.² During 1948, 142,577 immigrants were vaccinated at Mandapam camp in India and some 17,000 at two other camps. Over 90 per cent. of those at Mandapam camp were treated for ankylostomiasis.

But it was not sufficient to insist on medical and health standards merely when the immigrants entered the country. Since the majority of the workers lived on the estates, it was necessary to secure proper sanitary and housing conditions on the estates as well, if the workers were to be fully protected against disease. In 1912 and 1913 two laws were passed, namely, the Medical Wants Ordinance and the Diseases (Labourers) Ordinance³, imposing obligations on estate employers in this respect and providing for State medical services.⁴ Certain obligations were also imposed regarding feeding, maternity benefits and nourishment of resident women workers and resident children.⁵

While the estate worker thus received an element of protection as to his wages and against disease, he was still the subject of exploitation by the recruiting agent. Although no system of legalised indenture of labourers was adopted in Ceylon, yet recruitment by the kangany and the system of advances known as the *tundu* led the labourer into chronic indebtedness and almost serfdom. The travelling expenses of the recruit from his home in South India until he secured employment on an estate in Ceylon were advanced to him by the kangany; this debt was subsequently increased by further loans for marriages and festive occasions or by credit purchases. In many cases the amount involved was more than the worker could ever hope to pay. The kangany was

¹ See below, pp. 589-590, for the wages provisions.

² For a description of the camps, see *Labour Controller's Report, 1938*, p. 35.

³ *Legislative Enactments of Ceylon*, Chapters 176 and 175 respectively.

⁴ Further particulars are given below in the section on "Industrial Hygiene and Labour Welfare".

⁵ See Part. II, section on "Social Security".

able to transfer the workers from estate to estate as he wished by obtaining from the employer a document, the tundu, stating that he was prepared to discharge his workers on payment of their liabilities to him (*i.e.*, the sums advanced to them), the amount of which was duly noted in the document. On the tundu being presented and accepted by another employer of labour and the debt thereon being discharged with or without an additional cash payment to the kangany, the group of workers was transferred from one estate to the other. These transactions were legally recognised. In 1908, the Ceylon Labour Commission recommended the abolition of this system, and in 1921 the Planters' Association adopted a resolution to the same effect. It was abolished in the same year by the Tundu Prohibition Ordinance.¹

The Immigration Fund

The immigration and recruitment of Indian labour, however, continued to be more or less unregulated apart from the quarantine arrangements. In 1904 the estate employers had established a Ceylon Labour Commission in India to supervise the system of recruitment and welfare of immigrants. This body improved the travelling conditions for the workers and safeguarded estate funds by opening agencies in suitable areas where recruits could be examined, meals given, advances paid, etc. It continues to afford assistance to the workers even now. Meanwhile steps were taken in India for the strict control of the emigration of Indians by the passing of the Indian Emigration Act, No. VII of 1922², and a standing Emigration Committee of twelve members of the Indian Central Legislature was empowered to advise the Government of India on all emigration questions and, more particularly, with regard to the terms and conditions on which the emigration of unskilled labour should be allowed. A deputation from Ceylon was sent to India and met this committee, upon whose recommendations the terms of an agreement between the two Governments were finally settled. Following this

¹ *Legislative Enactments of Ceylon*, Chapter 113.

² For the text of this Act, see INTERNATIONAL LABOUR OFFICE: *Legislative Series*, 1922—Ind. 2. (The abbreviation *L.S.* is used for further references to this series.)

agreement, the Indian Immigrant Labour Ordinance, 1923¹, was enacted in Ceylon to create the administrative machinery² necessary to give effect to the safeguards required by the Indian authorities.³ A Controller of Indian Immigrant Labour was appointed to administer the Ordinance, which provides for the supervision, welfare and feeding arrangements of workers during their journey from India to the estates. The Controller, his officers and the Indian Agent in Ceylon are empowered to enter premises where Indian workers are employed and to inspect their conditions, housing and medical facilities. The cost of recruitment, accommodation, subsistence and transport of Indian immigrant workers is met out of a special fund, called the Immigration Fund, which is raised by a special duty on tea, rubber, cocoa and cardamom estates employing Indian labour and replaced the funds hitherto allocated by the planting interests on their own initiative for recruiting purposes. The rate of duty for tea estates in respect of each quarter of the financial year 1947-48 was 50 cents per acre, and for rubber, cocoa or cardamom estates a third of this basic rate; rubber areas untapped, but kept on a maintenance basis, were subject to a concession rate of 1/15 of the basic rate in view of the depression in the rubber market; estates with only a small Indian labour force are assessed at a special *per capita* rate. The immigrant is also entitled to repatriation at the cost of the Fund within one year on the recommendation of the Indian Agent.

During the financial year 1947-48 the total income of this Fund was over 1,192,000 rupees, as against an expenditure of some 1,200,000 rupees. The largest items of expenditure are the transport of labourers and dependants, their accommodation and subsistence, and contributions to the Ceylon Labour Commission. It is estimated that, excluding non-recurrent capital expenditure on buildings, etc., the cost to

¹ *Legislative Enactments of Ceylon*, Chapter 111.

² For details of the administrations set up in India and Ceylon, see Lanka SUNDARAM, *loc. cit.*, pp. 372-375.

³ Cf. Indian Emigration Rules, 1923, and Notification Nos. 136 and 213, Emigration, of 1923, issued under section 10 of the Indian Emigration Act, 1922. Reference may also be made to Report IV prepared for the 19th Session of the International Labour Conference, Geneva, 1935: *The Recruiting of Labour in Colonies and Other Territories with Analogous Labour Conditions*, pp. 220-221, 225-226, 233, 235 and 238.

the Fund for each assisted ¹ Indian worker brought to Ceylon from 1923 to September 1948 was 21.26 rupees. This covered the cost of transport, quarantine, detention, feeding and housing *en route*, kanganies' expenses, repatriation charges for sick and disabled workers, etc.

Another provision of the Ordinance to which reference might be made here is section 20, under which no contract of service between an employer and an Indian immigrant worker is to be deemed to be for more than a month, and any contract made before the worker leaves India for a period of more than a month is void.

A Board of Indian Immigrant Labour, with the Controller of Indian Labour as chairman, was set up under the 1923 Ordinance to act in an advisory capacity; it included as members some other heads of departments, a few members of the planting community, and an Indian member of the Legislative Council.

Wage Fixing Machinery for Immigrant Estate Labour

But it was not until 1927 that a law was passed designed to secure minimum wages for the Indian immigrant worker. The Minimum Wages (Indian Labour) Ordinance, No. 27 of 1927 ², was the first legislative enactment in Ceylon on minimum wages, and though it related to Indian labour only, it was the forerunner of the more comprehensive Wages Boards Ordinance of 1941 (described later ³). It provided for the determination of minimum wages by estate wages boards composed of an official chairman, two employers and two members "selected to represent labourers". The decisions were subject to confirmation by the Board of Indian Immigrant Labour, which could also fix such wages on its own motion in specified circumstances. The Ordinance was the basis of wage rates for all Indian estate workers until the coming into force in 1945 of the decisions of the wages boards under the Wages Boards Ordinance, which now applies to all

¹ As distinguished from "unassisted" immigrants, who pay their own travelling expenses and are shopkeepers, tradesmen and labourers employed elsewhere than on estates.

² Cf. *L.S.*, 1927—Ceyl. I.

³ See below, pp. 590 *et seq.*

plantation industries. Certain other provisions of the 1927 Ordinance are, however, still of value to the Indian worker. Under section 11 of the Ordinance, as amended in 1935 by Ordinance No. 34, the employer is bound to supply one eighth of a bushel of rice free to every adult male worker above the age of sixteen years and to every resident widow having a child of less than ten years of age. In the alternative, free meals as approved by the Commissioner of Labour can be issued to every child under ten resident on the estate. In 1945 permission was given by the Commissioner of Labour to employers to make cash payments instead of issuing free rice to adult males and widows. In 1948, about 1,450 estates issued either free rice or free meals to children on estates, to the value of about 4.7 million rupees. In practice, the benefits were granted to non-Indian estate workers also. They became legally entitled to them as a result of wartime legislation requiring equality of treatment for all workers in certain essential services, including the plantation industries.

Restrictions on Immigration

The immigration of large numbers of Indians into Ceylon was not entirely free from political repercussions. It was natural that Ceylonese opinion should look with suspicion at this inflow and outflow of foreign labour. As early as 1908 a commission was appointed to report on the employment of Ceylonese labour on estates and to advise on measures to promote and encourage such employment, but its findings were against any official interference.¹ Following the adoption of a resolution by the State Council in December 1934 requesting the Governor "to appoint a Commission to consider and report upon the problem of non-Ceylonese workers in Ceylon particularly with a view to the restriction and effective control of immigration into Ceylon of workers from other countries", a Commissioner was appointed in 1935 to go into the question of Indian immigration and to determine whether it had caused or was likely to cause unemployment or other economic injury and to recommend whether any further restriction or control was necessary. The report of the Commissioner,

¹ Its reasons and the full text of the recommendations were given in *Labour Controller's Report, 1937*, pp. 16-17.

which was published in 1938¹, was against any further restriction of immigration on the ground that it was likely to be injurious to the prosperity of the Island. The report expressed the view that the immigrant worker did not create unemployment, since he was engaged in work which the Ceylonese worker was not desirous of doing. Its recommendations, which were endorsed by the Board of Indian Immigrant Labour, were not accepted by the Government, which felt that they were of little value in combating the unemployment problem resulting from the pressure of foreign workers. Certain proposals for the control of immigration were made, but the war supervened. It was, however, decided with effect from 1 August 1939 to discontinue the services of certain daily paid Indian workers in Government departments. As a retaliatory measure the Indian Government prohibited all persons from leaving India for Ceylon as from 1 August 1939 for purposes of unskilled work unless exempted by special order.² When it is remembered that a fairly large body of immigrant workers returned to their homes in South India every year and after spending some time there went back to Ceylon, it becomes evident that this ban was likely to cause special hardship, since it prevented them from returning to their work. Several kinds of exemptions were accordingly allowed.

In 1942 the ban was relaxed and the return to Ceylon of all Indian workers who had been resident in Ceylon up to and including 31 August 1942 was allowed. For this purpose the Protector of Emigrants at Mandapam in India was empowered to endorse on the identification certificates of the workers the dates of their arrival in India, thus enabling them to return to Ceylon at their discretion. For other persons special exemptions had to be obtained on specified grounds, such as that they were wives and minor children who had previously been in Ceylon, or other dependants, or newly married wives, or widows in certain circumstances, or that there was special or urgent need to visit India and return. A special procedure has been developed for workers leaving Ceylon after 1 September 1942 who fail to obtain the endorse-

¹ Sessional Paper III—1938: *Immigration Report*, by Sir Edward JACKSON.

² Cf. *Annual Report of the Agent of the Government of India in Ceylon for the Year 1939* (Delhi, 1940), pp. 20-26.

ment of the date of entry into India, and for those who lose such endorsed credentials, which have become, in effect, passports.¹ Under the system now in force an identification certificate containing an endorsement by the employer of his willingness to re-employ the worker on his return entitles the latter to an assisted passage back to Ceylon. If the endorsement is to the contrary effect, the employer is under an obligation to make this perfectly clear to the worker. As a result of these measures the number of former workers returning to Ceylon has again reached the 1938 levels, and some 50,000 such workers go back to their work every year. The number of new engagements has dropped to less than 3,000 a year.

In 1948, the Ceylon Government withdrew certain railway concessions granted to Indian estate workers travelling to and from India since there was no necessity of attracting new Indian workers. Certain restrictions have also been imposed on the transfer of funds from Ceylon to India.

EMPLOYMENT AND UNEMPLOYMENT

Ceylon's great dependence on its plantation crops renders it particularly vulnerable to business fluctuations. A fall in their prices or in the demand immediately results in marginal estates going out of production. The total labour force has been more or less constant in size over a long period, and variations in supply and demand have been balanced, to a greater or less extent, by an outflow or inflow of immigrant workers. It is estimated that between 1930 and 1933, over 100,000 Indian workers left the Island.² But for the Ceylonese

¹ Where there is no endorsement, exemption is granted on the Ceylon Emigration Commissioner producing proof on behalf of the worker that he came to India after 1 September 1942. If the identification certificate is lost in India, the worker can apply to any of the Ceylon Labour Commission agencies; the application is forwarded by the Ceylon commissioner to the Indian representative in Ceylon. Enquiries are made on the estate and a duplicate certificate is sent to the Ceylon Labour Commission for despatch to the applicant. If a worker arrives at Dhanushkodi from Ceylon without an identification certificate, he is given an identification particulars form, which serves as a substitute.

² For an account of the post-depression trend in the recruitment of Indian labour, see *International Labour Review*, Vol. XXXIV, No. 1, July 1936: "Indian Labour in Ceylon in 1934", pp. 93-94; Vol. XXXV, No. 1, January 1937: "Indian Labour in Ceylon in 1935", pp. 87-89; and Vol. XLII, No. 1, July 1940: "Indian Labour in Ceylon, Fiji and British Malaya", pp. 57-61.

worker cessation of employment on the estate means a return to the village and depresses the already low standards of earnings there. Rural underemployment and unemployment result, while commerce and industry shrink in Colombo and other cities. The depression of the late 'twenties, as might have been expected, hit the country's economy severely.

Unemployment relief was begun by the Colombo municipality in 1929, when active distress was experienced in that city. In 1934 relief works were started outside the city also. In 1937, in accordance with recommendations contained in an official report on poor relief¹, it was decided that the relief of the able-bodied unemployed should be the responsibility of the central Government, while local bodies should be responsible for the relief of unemployment of old and disabled persons. In the same year, on the report of an informal committee², several decisions in respect of settlement on the land, modifications of the educational system, vocational training, public works, etc., were taken. In 1939 an employment office was opened in Colombo.

At present, in addition to the employment service described below, Ceylon has several schemes for providing relief to destitute and unemployed persons in the worst affected areas, through public assistance and relief and public works of various kinds.³

The Employment Service

The report on unemployment just cited, as also that of 1938 on immigration, examined the question of setting up an employment service as a means of reducing unemployment and introducing Ceylonese to occupations largely in the hands of Indians.⁴ In May 1938 an employment office (exchange)

¹ Sessional Paper XX—1934: *Report on the Proposal to Introduce Statutory Provision for Poor Relief in Ceylon.*

² Sessional Paper VII—1937: *Unemployment in Ceylon. Report of an Informal Committee appointed by the Hon. Minister for Labour, Industry and Commerce.*

³ For details, see *Labour Commissioner's Report, 1947*, Chapters X and XI, and *1948*, Chapter VIII; also *Social Services Report, op. cit.*, Chapters VI and VII.

⁴ An agency for recruiting Ceylonese workers for estates was opened in 1937, and another in 1938. The number of Ceylonese they sent to the estates in 1938 was about 1,000.

was opened in Colombo under the Department of Labour. To be eligible to register at the office, it was required that a person should be, though able-bodied and willing to work, either unable to find any employment at all, or able to find irregular employment but not sufficient for his maintenance, or working in a post much below his qualifications or experience and desirous of finding work of a kind for which by training and experience he was specially fitted. A circular was issued by all Government departments regarding the facilities provided by the office, which continued to be the sole institution until the end of the war. Up to 1944 it had registered some 56,000 persons and had placed about 32,000 in employment.

As a result of the demobilisation of service personnel in 1945, a large number of both skilled and unskilled persons were thrown out of employment. It was therefore decided that employment service facilities should be provided throughout the Island for civilian and non-civilian personnel demobilised from the services. Fourteen employment offices and three registration centres were in operation during 1946. But in the following year five offices and two registration centres, which were staffed only by a labour inspector and a clerk, were closed down; it was decided, instead, that every labour inspector should register unemployed persons at his office and forward the registration cards to the nearest district employment office.

At the beginning of 1948 there were eleven employment offices in ten important towns in Ceylon. Colombo had two offices, one for men and the other for women. During the year two more employment offices, eight branch offices and seven registration centres were opened. When unemployment of any appreciable extent is reported from any area, arrangements are also made for one of the officers of the nearest employment office or branch employment office to visit the area concerned and register the unemployed. The present employment service therefore provides facilities in all parts of the country. The service is open to all Ceylonese—Sinhalese, Tamils, Moors¹ and Malays, and Burghers.² As regards non-

¹ Muslims other than Malays.

² Mainly persons of Dutch or Portuguese descent.

Ceylonese, the rule observed is that a note should be made on the registration card that the applicant is a non-Ceylonese. The applications of such persons may be submitted for consideration to private employers only, since under a regulation of the Ceylon Government Manual Procedure no new appointment of non-Ceylonese can be made for the public services except on terms and conditions to be determined in each case by the Minister concerned with the concurrence of the Minister for Finance.

Another noteworthy development in employment service organisation was the decision in 1948 that in each Government contract for work in an urban area a clause should be inserted requiring the contractor wherever possible to recruit the necessary labour through the employment service.

The progress made by the employment service in recent years appears from the following table, which shows the total number of registrations and placings during the period 1945-1948, together with the registrations outstanding at the end of each year.

TABLE II. OPERATION OF THE EMPLOYMENT SERVICE, 1945-1948

Year	Number of unemployed		Number of registrations outstanding at end of year
	registered	placed	
1945	29,667	4,537	21,366
1946	96,829	15,786	36,544
1947	88,187	7,404	34,744
1948	122,592	10,347	66,656

Source : *Labour Commissioner's Report, 1948*, tables XIII and XIV (B).

The Commission on Social Services observed in its report that its enquiries among commercial and industrial firms in Colombo had suggested that not more than 10 per cent. of them used the Colombo exchange ; most of them found that the advertisement of vacancies yielded satisfactory results. Another difficulty appears to be the large number of registered applicants who refuse the jobs they are offered because they want Government work or jobs on conditions and at places which suit them.

Fee-Charging Agencies.

Servants' agencies, which may be called fee-charging employment agencies, have been in existence in Ceylon for a long time. They supply only domestic servants.

An official committee was appointed in 1933 to investigate and report on the alleged exploitation of women and children in domestic service by individuals and through servants' agencies. In its report, published in 1935¹, it recommended, among other things :

(a) the introduction of a scheme of compulsory registration of young women and children who are taken for employment to any place beyond ten miles from their homes and outside districts ; and

(b) the introduction of legislation to control and regulate the activities of servants' agencies.

The implementation of these recommendations is under consideration by the Government.

Technical Training

The question of technical training has received a certain amount of attention in the last few years in Ceylon. During the war, in 1943, a Special Committee on Education emphasised the importance of practical training in the education system. In the general post-war planning, several schemes for the expansion of vocational training were drawn up. The Commission on Social Services, reporting in 1947, again emphasised the necessity of relating educational policy to the employment needs of the country and made suggestions for the development of training facilities in technical schools as well as in plants. In the same year the Committee on Apprenticeship Training presented its report², in which it stressed the close

¹ Sessional Paper II—1935 : *Report of the Joint Sub-Committee of the Executive Committees of Home Affairs and Education on the Employment (Domestic Service) of Women and Children and the Control of Orphanages*. For an analysis of the report, see *International Labour Review*, Vol. XXXII, No. 6, December 1935, pp. 808-816 : "The Employment of Women and Children in Domestic Service in Ceylon".

² Sessional Paper XVI—1947 : *Report on Apprenticeship Training*.

association between training in technical schools and by the apprenticeship system and urged that they should be co-ordinated. Its main recommendation was the creation of an Apprenticeship Board, to be composed of representatives of several Government departments—including Labour, Commerce and Industry, Railway, Education, Irrigation, Harbour, Electrical, Government Factories—the Technical College and the University, together with representatives of workers' and employers' organisations.

The present training facilities are not considered adequate.¹ Those for juveniles consist of pre-employment technical education in schools and colleges and in-plant training. The Ceylon Technical College offers courses in engineering and certain commercial subjects. An Agricultural College and several schools operate under the aegis of the Ministry of Agriculture. There are no industrial technical schools, but a few Government or Government-aided schools offer training in several handicrafts. In 1946, there were about 75 such schools. Handicraft courses are popular with the students, but lack of equipment and accommodation retard expansion. Some Government departments, such as the Public Works, Railway, Telecommunications, Electricity and Harbour Engineering Departments, have their own schemes of apprenticeship training in State workshops. A few private firms also have apprenticeship schemes. The Committee on Apprenticeship recommended the establishment of branches of the Ceylon Technical College in important districts and the starting of new training schools. It also drew attention to the need for greater co-ordination and uniformity in the apprenticeship schemes of Government departments and for certain reforms in the apprenticeship training given in private firms. It recommended two types of apprenticeship, one for young persons aged fifteen to sixteen years desiring to become skilled workers, and the other for persons above twenty-one to qualify them as technicians for minor supervisory posts, and urged that all apprentices should receive practical training in workshops and theoretical training in technical colleges.

¹ A fuller account of these facilities may be found in INTERNATIONAL LABOUR OFFICE, Studies and Reports, New Series, No. 11: *Training Problems in the Far East*, by Marguerite THIBERT (Geneva, 1948), pp. 25-29 and 82-84.

The training facilities for adults are even more limited. The Ceylon Technical College opened a few courses for training service personnel in skilled trades for Army needs during the war, but these courses have not been continued because of the difficulties the trainees encountered in obtaining employment on termination of their service. Training courses in certain crafts are provided by the Government for unemployed persons. In view of the comparatively large number of insufficiently trained persons registered with the employment offices as skilled, schemes are now under consideration for establishing technical training schools for them and it is proposed to make a beginning in the building trade. The Ceylon Technical College has recently arranged courses for the training of foremen and workshop supervisors. It also conducts examinations and awards certificates for the teaching of certain handicrafts.

WAGES

The subject of wage protection received the attention of the Government in Ceylon as early as 1865, when the Service Contracts Ordinance was enacted. The Estate Labour (Indian) Ordinance of 1889 also made certain stipulations regarding the payment and protection of wages. As regards wage fixing machinery, the Minimum Wages (Indian Labour) Ordinance of 1927 was the first legislation on the subject. Now, the Wages Boards Ordinance of 1941 deals comprehensively both with wage protection and with wage fixing.

Wage Protection

The Service Contracts Ordinance of 1865 provided that the wages of a servant engaged orally should be paid monthly, except for work usually performed by the day, by the job or by the journey. The Ordinance also contained detailed provisions in regard to the computation and payment of wages in the event of the contract being determined during the course of the month for any reason, and defined the power of the courts to make an abatement of wages for default of the servant. The Estate Labour (Indian) Ordinance of 1889

imposed an obligation on the employer to pay all wages earned by workers in any month by the 10th of the following month. Wages were made a first charge on the estate, irrespective of the period for which they were due, subject to a maximum of 40 rupees for each worker. The procedure for the recovery of wages due was simplified and it was made possible for all the workers on an estate to sue the employer jointly. In addition, the employer had to report to the Government before the 15th of each month that he had paid the wages due for work done during the preceding month. Regarding deductions, the original provision was that in computing the amount of wages due, the employer could deduct all advances of money made to the worker and the value of all such food, clothes or other articles as the employer was not bound in law to supply at his own expense. Subsequent amendments entitled the employer to make only such deductions as were allowed by any other law.

The report published in 1935 of the committee which had been appointed to consider the revision of factory legislation¹ stated that, although no direct evidence was available, there was reason to believe that payments in the smaller factories (other than factories to which the laws on Indian labour applied) were very irregular. The committee thought there was an urgent need for supervision in this respect and drew special attention to the conditions prevailing in the plumbago mining industry.

It is the Wages Boards Ordinance of 1941, as amended by the Wages Boards (Amendment) Ordinance of 1943, which now affords protection of wages for all categories of workers. In cases of inconsistency with any other law, this Ordinance and decisions by the wages boards under it prevail. Part I of the Ordinance, which applies to all trades—defined as including any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or worker and any branch of or any function or process of any trade—lays down that wages are to be paid in legal tender directly to the worker without any deduction other than an authorised deduction. Such deduction may not

¹ Sessional Paper XII—1935 : *Report of the Committee appointed to revise the "Mines and Machinery Protection Ordinance" (No. 2 of 1896).*

exceed, at any one time, 50 per cent. of the wages due, or 75 per cent. in such trades as may be specified by the Minister of Labour.¹ Authorised deductions are those in respect of any advance of wages not already earned which are made by the employer under prescribed circumstances and in respect of any other matter that may be prescribed. Detailed regulations have been made regarding the matters in respect of which and the manner in which such deductions are permissible.² Weekly wages are to be paid within three days, fortnightly wages within five days, and monthly wages and wages for longer contracts within ten days of the end of each wage period. The employer must keep a record of wages paid and deductions made. Wages boards constituted under the Ordinance are empowered to determine the intervals (not exceeding one month) at which wages are to be paid and can also specify the maximum delay in wage payment. In accordance with this provision, decisions have been made for the engineering and the tea and rubber export trades, requiring that wages should be paid weekly and within four days of the end of the week. In other trades the standard provisions of the Ordinance apply.

Reference might conveniently be made here to the co-operative stores working on a considerable number of estates, where workers can get articles of daily necessity at fair prices. Thus in 1948 there were 201 co-operative stores on estates, with nearly 85,000 members, and a large number of other estate workers were served by local co-operative stores situated outside the estates. Their sales for the year 1947-48 amounted to over 9 million rupees, yielding a profit of nearly 275,000 rupees. It is noteworthy that co-operative stores on estates were the pioneers of consumer co-operation in Ceylon and became the nucleus for its remarkable expansion during the war.³

¹ This category includes tea and rubber growing and manufacturing trades. Cf. *Ceylon Government Gazette*, No. 9447, 10 August 1945.

² See Regulation No. L.D.-B. 72/43 of 23 August 1943 (*idem*, No. 9162, 27 August 1945); and Regulation No. L.D.-B. 82/43 of 25 November 1943 (*idem*, No. 9209, 3 December 1943) amended by Regulations of 13 December 1945.

³ For a description of the wartime expansion of the co-operative movement, see *Administration Report on the Working of Co-operative Societies from May 1, 1942, to April 30, 1945* (Colombo, 1945).

Wage Fixing Machinery

Wage fixing legislation in Ceylon originated, as already mentioned, with the Minimum Wages (Indian Labour) Ordinance, 1927, which authorised the appointment of estate wage boards. In spite of the considerable strain due to the conditions caused by the depression ¹, the Ordinance continued to work satisfactorily and governed the wage rates for all Indian estate workers until 1945. They were fixed with reference to a family budget providing for a certain quantity of foodstuffs per adult man, woman and child. In 1940 an enquiry was made into the family budgets of Indian estate workers, and the resulting report ² recommended a rise in the basic rates. A dearness allowance was also payable and the workers were allowed, where statutory rationing was not in force, supplies of limited quantities of rice at fixed prices. The question of the calculation of the cost of living and of the dearness allowance and war bonus was examined by a subcommittee of the War Council in 1942-1943, and its report ³ also recommended certain changes. In 1945 the decisions of the wages boards constituted under the Wages Boards Ordinance of 1941 came into force.

Before considering the wage fixing provisions of this Ordinance, two other points should be noted. In the first place, in 1942 employers in certain essential services, including the plantations, were prohibited under the Defence Regulations from offering less favourable terms of employment to any of their workers than the terms on which workers were generally employed in the district. It followed that Ceylonese plantation workers also became entitled to the wages and other benefits granted to Indian workers under the Minimum Wages (Indian Labour) Ordinance. Secondly, during the years 1944 to 1946 there was in existence a Services

¹ Cf. *International Labour Review*, Vol. XXVIII, No. 1, July 1933: "Indian Labour in Ceylon: The Effects of the Economic Crisis", pp. 62-73; and Vol. XXIX, No. 4, April 1934: "Indian Labour in Ceylon and Malaya in 1932", pp. 537-543.

² Sessional Paper XXVI—1941: *Report of Inquiry into Family Budget of Indian Estate Labourers*.

³ Sessional Paper XV—1943: *Report of a Sub-Committee of the War Council on the Method of Computation of the Cost of Living Index Numbers and the Calculation of the Dearness Allowance*.

Standing Wages Board¹ to advise on matters relating to the conditions of employment of labour employed on defence service works either directly or through civilian departments, so as to mitigate competition between service and civilian requirements and to co-ordinate the wage proposals of the defence services.

Investigations into the possibility of introducing wage fixing machinery legislation of general application had been started as a result of a wish expressed in the Legislature at the time the Minimum Wages (Indian Labour) Bill was being considered in 1927. The decision to extend minimum wage legislation to all classes of workers was taken in 1937, but it was not until 1941 that the Wages Boards Ordinance was enacted. Part II of the Ordinance, as amended by Ordinance No. 40 of 1943, provides for the establishment of wages boards for particular trades, to be specified by the Minister of Labour. By the end of 1948, boards had been established for fourteen trades, namely: tea, cocoa, cardamom and pepper growing and manufacture; rubber growing and manufacture; coconut; engineering; printing; plumbago; rubber export; tea export; toddy, arrack and vinegar; sugar manufacturing; motor transport; match manufacturing; port, dock and harbour transport; and cinema.²

Each wages board is composed of the Commissioner of Labour, who acts as chairman, representatives of employers and workers in equal numbers, and nominated members not exceeding three in number. The boards are required to determine a minimum rate of wages for time work and may also determine minimum rates of wages for piece work, guaranteed time rates for piece workers and overtime rates. Minimum rates of wages may consist of a basic rate and a special allowance varying with the cost-of-living index. The boards also have authority to determine the conditions under which a worker may be paid less than the prescribed rates. The Ordinance includes a provision empowering the Minister of Labour in certain specified circumstances to request the Commissioner of Labour to determine a general time rate

¹ Renamed in 1945, Services Advisory Wages Board.

² It was decided during the year to set up a board for the building trade, and investigations were in progress regarding four other trades.

for workers in any particular trade. In addition, the wages boards have authority to determine hours of work and holidays with pay, as described in the next section. The Ordinance imposes an obligation on employers to exhibit notice boards setting out the decisions of the wages boards.

Levels of Wages

As a result of the decisions of the wages boards, the following average daily rates of wages, inclusive of special allowance, were in operation in certain trades during 1948 :

TABLE III. AVERAGE DAILY RATES OF WAGES IN 1948

Trades	Class of worker	Average wage
		Rupees
Tea, rubber, cocoa, cardamom and pepper growing and manufacture	Male worker not under 16 years	1.49
	Female worker not under 15 years	1.16
	Young worker	1.04
Tea and rubber export	Male worker not under 18 years	2.20 - 2.56 ¹
	Female worker not under 18 years	1.84
	Young worker 14-18 years	1.16 - 1.73 ²
Engineering	Skilled, semi-skilled and unskilled	2.20 - 2.86 ¹
Match manufacturing	Men	2.20 - 2.86 ¹
	Women	1.84 - 2.40 ¹
	Young workers	1.20 - 1.88 ²

Source : *Labour Commissioner's Report, 1948*, table XI.

¹ According to grade. ² According to age.

The movement of the wages of workers on tea and rubber estates during the 10-year period 1939-1948 is compared in table IV with the changes in the cost of living.

TABLE IV. INDICES OF TEA AND RUBBER WORKERS' WAGES AND COST OF LIVING, 1939-1948

Year	Wages index 1939 = 100			Cost-of-living index July-Sept. 1939 = 100		
	Up-country	Mid-country	Low country	Up-country	Mid-country ¹	Low country ¹
1939	100	100	100	100	100	100
1940	100	100	100	107	109	108
1941	110	112	110	119	121	121
1942	162	165	167	154	.	.
1943	202	205	203	196	.	.
1944	212	215	215	211	.	.
1945	240	250	251	222	.	.
1946	271	285	292	228	.	.
1947	286	300	308	239	.	.
1948	307	322	331	259	.	.

Source : *Labour Commissioner's Report, 1948, p. 39.*

¹ From 1942 onwards separate indices were not computed for mid-country and low-country areas.

Remuneration of Public Employees

The fixing of wages by wages boards during 1945 made it desirable that the Government should as far as possible and at the earliest possible date take similar action with respect to its own daily paid employees. Accordingly, a Salaries Committee was appointed to undertake a complete revision of salaries and wages paid to Government employees. It published an interim report in the same year, in which it proposed minimum and maximum wage rates for different classes of engineering and factory labour, and agricultural and field labour, and recommended continuation of the Government war allowance.¹ It also recommended that all work in excess of eight hours a day should be paid at overtime rates for workers in engineering and factory work, and that where less than eight hours are worked on Saturdays a full day's

¹ For details, see Sessional Paper XX—1945 : *Interim Report of the Salaries Committee.*

wage should be paid although payment is normally made by the hour. The recommendations were put into effect as from 1 January 1946.

The final report of the Salaries Committee undertook a comprehensive revision of all salary scales for various categories of employees in the different Government departments and also made recommendations regarding allowances for cost of living, rent, travel concessions and other privileges of Government employees. A basic minimum wage of 420 rupees per annum for a labourer, 480 rupees for a peon or a conservancy labourer and 840 rupees for an ordinary clerk, with annual increments, was recommended, together with a sliding cost-of-living allowance equal to the existing war allowance. Effect was given to the recommendations during 1946.¹

HOURS OF WORK AND HOLIDAYS

Up to the coming into force of the Wages Boards Ordinance of 1941 and the decisions made under it, there were hardly any enactments in Ceylon directly fixing the length of the working day except the Shops Ordinance of 1938. The Mines and Machinery Ordinance, 1896, contained no provisions concerning hours of work, rest periods or holidays. In the Minimum Wages (Indian Labour) Ordinance of 1927 there was a provision to the effect that for workers paid by the day, any period of work exceeding nine hours per day (including the time, not exceeding one hour, taken for the midday meal) should be paid at overtime rates—thus indirectly fixing the normal working day for this class of workers.

The Committee on Factory Legislation reporting in 1935² stated that the question of hours of work was the most difficult and the most important subject which it had to consider. It recommended a maximum of nine working hours on five days, five hours on the sixth day and a whole holiday on the

¹ For details of the recommendations and actual salary scales, see Sessional Papers: VIII—1946: *Report of the Salaries Committee*; XIX—1946 and III—1947: *Interim Report* and *Second Interim Report of the Conversion Committee*.

² Sessional Paper XII—1935, *op. cit.*

seventh day. This, it was stated, corresponded with actual practice in most large factories in Colombo. The majority of the Committee was against an eight-hour day (recommended by one member) on the ground that it would have a disturbing effect on trade, would be unacceptable to employers and would be difficult to enforce. It held that it would be preferable to raise the standards of the smaller establishments to those prevailing in the better organised establishments. When, however, the Wages Boards Ordinance was passed in 1941, the length of the working day was finally fixed at nine hours including an hour for rest.

The Shops Ordinance, No. 66 of 1938 (amended in 1940), is directly designed to limit hours of work of one category of workers, namely, those employed on premises in which any retail or wholesale trade or business is carried on, including barber's shops and places where articles of food or drink are sold. Under this Ordinance, which is in force in the areas of three municipalities and forty urban councils, the maximum hours of work are fixed at eight a day and forty-five a week, exclusive of permissible intervals for rest or meals. It also restricts the working hours of young persons and women employed in shops. Closing orders can be made for restricting the hours during which shops may remain open.¹ A weekly rest of a day and a half is prescribed. After continuous employment for one year a worker is entitled and obliged to take a holiday of seven consecutive days with full pay; in addition, he can take another fourteen days' aggregate leave, also with full pay, for private business, ill-health or other reasonable cause. A new Ordinance is now under preparation in the light of experience gained in the working of the present Ordinance, and it is proposed to extend its scope to employees in mercantile and other offices.

The Wages Boards Ordinance of 1941 has now become the most important legal basis for regulating hours of work for large categories of workers in Ceylon and, in effect, largely supersedes the Minimum Wages (Indian Labour) Ordinance of 1927 for estate workers. The wages boards, as already mentioned, are empowered to determine normal working

¹ Such orders have been made for several kinds of establishments. Cf. *Ceylon Government Gazette*, No. 8642, 26 July 1940, and No. 9456, 1 September 1945, as amended (No. 9642, 20 December 1946).

hours, weekly rest and paid holidays. They may not, however, extend the daily normal hours of work beyond nine a day, including a rest period of at least an hour. The boards already set up for fourteen trades have generally prescribed this as the normal working day, together with a forty-eight-hour week. For a few trades, *e.g.*, engineering, tea export and import, and printing, a shorter day is prescribed on Saturdays, in addition to the weekly holiday on Sundays, thus reducing the weekly hours to forty-five or forty-six. A few boards, such as those for motor transport, toddy, arrack and vinegar manufacture, and the plumbago trade, have made no provisions for a weekly holiday, and the weekly hours are increased to fifty-six.¹

Overtime rates have also been determined by the wages boards. The overtime hourly rate for the coconut trade and for overtime during the day (7 a.m. to 7 p.m.) in the tea and rubber growing and manufacturing trades is one and a quarter times the daily minimum wage (basic rate plus allowances) divided by 8. For the engineering, printing, plumbago, and tea and rubber export trades and for overtime during the night (7 p.m. to 7 a.m.) in the tea and rubber growing and manufacturing trades, it is one and a half times the same rate.

The wages boards have also prescribed annual holidays with pay for the different trades, ranging from ten to eighteen days after certain qualifying periods.²

Reference should also be made to the Mines, Quarries and Minerals Ordinance, No. 55 of 1947, which together with the Factories Ordinance, No. 45 of 1942, will on coming into force replace the Mines and Machinery Ordinance of 1896. The earlier measure, as already mentioned, contains no provisions regulating hours of work, but in the new enactment hours of work underground in mines are fixed at eight a day (including an hour for meals and rest) and forty-eight a week (forty-four hours for young persons), with a maximum daily spreadover of ten hours. Time spent in ascent and

¹ In the plumbago trade, however, work is required for only six hours on Saturdays.

² For details, see *Labour Commissioner's Report, 1948*, table IX. Under section 25 of the Ordinance, they are entitled to fix annual holidays at not more than twenty-one days.

descent in a mine is to be taken as spent in underground work. It should be noted that, in practice, underground work does not at present exceed eight hours a day.

EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN

A considerable proportion of the labour employed in Ceylon is composed of women and young persons. In 1943, the number of young persons employed in industrial undertakings was 4,711 (in 47 undertakings), but no information is available regarding the number of women employed in factories. However figures can be given showing the age and sex composition of estate labour. Those in the table below relate to 1,542 of the 1,647 estates employing Indian labour at the end of 1948.

TABLE V. DISTRIBUTION OF ESTATE LABOUR BY SEX AND AGE AT 31 DECEMBER 1948

Estates	Men	Women	Young persons (10-18 years)	Total
Tea	203,436	196,340	89,234	489,010
Rubber .	48,130	33,376	8,751	90,257
Coconut.	2,031	1,230	326	3,587
Other . . .	2,238	1,769	557	4,564
Total . .	255,835	232,715	98,868	587,418

Source : *Labour Commissioner's Report, 1948*, table XXXV.

Provisions regarding the employment of women and young persons are to be found in a number of enactments, beginning with the Mines and Machinery Ordinance of 1896. Much of the more recent legislation has been passed to give effect to the relevant international labour Conventions, as described later in the section on Ceylon and the I.L.O.¹ It may be examined under the following heads: age of admission to employment, hours of work and holidays, night work and dangerous occupations. The provisions regarding maternity protection are dealt with later, in the section on social security. It should be noted that the underground work of

¹ See Part II.

women in mines is prohibited by the Mines (Employment of Female Labour Underground) Ordinance, 1937¹, and that section 23 of the new Mines, Quarries and Minerals Ordinance repeats this provision.

Age of Admission to Employment

The Employment of Women, Young Persons and Children Ordinance of 1923² prohibits the employment of children under fourteen years of age in industrial undertakings and on maritime vessels. The Mines and Machinery Ordinance and regulations issued thereunder prohibit the employment of persons under fifteen in pits in plumbago mines³ and of persons under eighteen in certain dangerous occupations in factories and mines. Provisions regarding the age of admission to employment are also contained in the new Factories Ordinance of 1942 and Mines, Quarries and Minerals Ordinance of 1947, which will replace the Mines and Machinery Ordinance when they are brought into force. Under the former Ordinance, as amended by the Factories (Amendment) Ordinance, No. 2 of 1946, young persons under sixteen can be employed in factories only on the basis of medical certificates of fitness to work. The latter imposes an absolute restriction in respect of underground work in mines for all persons under sixteen years of age; from sixteen to eighteen years a young person may be employed on the basis of a medical certificate, and if the certificate is revoked, he must be discharged.

Special provision regarding estates was made in the Minimum Wages (Indian Labour) Ordinance of 1927, which fixed the minimum age for employment on estates at ten years. Under the Education Ordinance of 1924, now replaced by Ordinance No. 31 of 1939, which obliged the estates to provide educational facilities for children between six and ten years of age, the employment before 10 a.m. of children between those ages had been prohibited. For shops, the minimum age limit is fixed at fourteen years under the Shops Ordinance of 1938.

¹ Cf. *L.S.*, 1937—Ceyl. 1.

² *Idem*, 1923—Ceyl. 1.

³ Regulations of 11 September 1908.

The minimum age for employment at sea was fixed at fourteen years by the Employment of Women, Young Persons and Children Ordinance, 1923. When an Order in Council of 1937 applied to Ceylon, with certain modifications, the provisions of the British Merchant Shipping (International Labour Conventions) Act, 1925¹, the effect was to fix the minimum age for employment as stokers and trimmers also at fourteen years.² Persons below eighteen years of age may be employed on vessels only on the basis of a medical certificate of fitness for work.³

Reference should also be made to the Children and Young Persons Ordinance, No. 48 of 1939⁴, which is not yet in force. It fixes the minimum age of employment at twelve years for all occupations⁵ and will thus ultimately raise the minimum age for admission to employment on estates from ten to twelve, in accordance with the recommendations made in the *Labour Conditions Report* of 1943.⁶ Under the Ordinance a lower age limit for the employment of children by parents or guardians in light agricultural or horticultural work may be fixed by regulation. Children under the age of fourteen may not be employed in any occupation so as to conflict with school attendance, or at night or in any occupation likely to be injurious; their employment can also be prohibited altogether for any specified occupation by regulation. As regards school attendance, the upper age limit under the Education Ordinance, No. 31 of 1939 as amended by Ordinance No. 26 of 1947, will be sixteen years. It has been estimated, however, that in 1943 only 53.3 per cent. of all children between the ages of five and fourteen years were actually at school. The

¹ Cf. *L.S.*, 1925—G.B. 5. The Act gives effect to Conventions Nos. 8, 15 and 16 and contains a clause enabling the application of the Act, with or without modification, to colonies by Orders in Council.

² Convention No. 15 fixes the minimum age at eighteen. It is sixteen where persons above eighteen are not available, provided two persons below eighteen are employed to do work which would be done by one person above eighteen.

³ Convention No. 16 requires in addition the subsequent periodical medical examination of such persons if their employment is continued.

⁴ Cf. *L.S.*, 1939—Ceyl. 1 (extracts).

⁵ It might be recalled that the majority report on domestic service, Sessional Paper II—1935, *op. cit.*, was against fixing any minimum age in respect of non-industrial employment.

⁶ *Op. cit.*, p. 37.

upper age limit for school attendance on estates, fixed at ten years under the Education Ordinance of 1939, is to be raised progressively to twelve years by the end of 1949 and to fourteen years by the end of 1951. It may be noted that in 1948 the proportion of all children of school-going age on estates (six to ten years) who were in fact attending school was 59.5 per cent.

Hours of Work and Holidays

Under the new Factories Ordinance of 1942, the maximum hours of work in factories for women and young persons will be limited to nine a day, including an hour for rest and meals, and forty-eight a week. After four and a half hours of continuous employment, an interval for rest or for meals of half an hour is to be given. The spell of work may be increased to five hours provided it includes an interval of at least ten minutes. Overtime due to pressure of work is allowed for women and young workers over sixteen years of age, provided it does not exceed six hours a week or 100 hours a year. Further, the total length of actual work and the total period of employment on any day are not to exceed ten and twelve hours respectively. Overtime employment of young persons may be prohibited or restricted for any particular process by special regulations. Records of overtime work by women and young persons must be kept. Under the Ordinance women and young persons are entitled to a weekly rest and to six consecutive weekdays' annual leave.

The new Mines, Quarries and Minerals Ordinance of 1947 limits the employment of young persons on underground work to eight hours a day, including one hour for rest and meals, and forty-four hours during any consecutive six days.

Extensive safeguards regarding working conditions for children and young persons are also contained in the Children and Young Persons Ordinance of 1939 already mentioned, which is still to come into force. Employment during school hours or for more than two hours on a schoolday or on Sunday is prohibited. Regulations can be made regarding the hours of work, rest periods, holidays, etc., of children and young persons within the limits set by the Ordinance. There is also a general prohibition of the employment of children under

fourteen years of age in such a manner as to prevent them from attending school in accordance with the provisions of any law.

Night Work

Under the Employment of Women, Young Persons and Children Ordinance of 1923 and the Employment of Women (Revised Convention) Ordinance, No. 16 of 1940, the night work in industrial undertakings of persons under fourteen years and of women other than those holding managerial positions is prohibited for a period of eleven consecutive hours, including the period between 10 p.m. and 5 a.m. In shops, under the Shops Ordinance of 1938, young persons between fourteen and eighteen years of age and women may not be employed between 6 p.m. and 6 a.m.; women may, however, be employed in a hotel or restaurant up to 10 p.m.

The prohibition against the employment of women and young persons in factories is to be extended to cover the period 8 p.m. to 6 a.m. under the Factories Ordinance of 1942 when it is enforced, except for young persons under sixteen, for whom the evening limit is to be 6 p.m. A general prohibition against any employment of children under fourteen years between 8 p.m. and 6 a.m. will come into force under the Children and Young Persons Ordinance of 1939. Young persons under eighteen years will be forbidden to work in any mine during the night under the Mines, Quarries and Minerals Ordinance of 1947.

Dangerous Occupations

The Mines and Machinery Ordinance, 1896, authorised the making of rules to restrict the employment of children and women near moving machines. Regulations for factories were made on 29 October 1926, under which no person under eighteen years of age may be employed on the cleaning of machinery or between the fixed and moving parts of any machinery. Rules relating to mines dated 11 September 1908 prohibit the employment of persons under eighteen years (or over fifty-five years) on the blasting of tunnels and galleries in plumbago mines.

Power to make regulations for restricting the employment of young persons in hazardous occupations has been reserved under the new Factories Ordinance of 1942, which also prohibits the employment of young persons in lifting weights likely to injure them. The Children and Young Persons Ordinance of 1939 (still to come into force) also contains a general provision forbidding the employment of a child in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition. Rules may be made prohibiting the employment of children in any specified occupation which may endanger their life or limb. Children under fourteen years are not allowed to participate in any entertainment carried on for the profit of the promoters, and young persons under sixteen are not allowed to take part in any public performance likely to endanger their life or limb. The prohibition extends also to the training of children under twelve for dangerous performances.

INDUSTRIAL HYGIENE AND LABOUR WELFARE

Owing to the substantial differences in conditions of work in mines and factories, shops and estates, different types of industrial hygiene and welfare facilities are needed in the three groups of undertakings. They are accordingly considered separately below.

Mines and Factories

The Mines and Machinery Ordinance, 1896, which still regulates the working of mines and factories, empowers the Minister of Labour to make rules for keeping mines, factories and their surroundings clean and sanitary. Special rules have thus been made under the Ordinance for the construction and maintenance of adequate latrine accommodation for all employees of factories and mines, in order to prevent the spreading of ankylostomiasis.¹ Extensive recommendations regarding sanitation, lighting, ventilation, water for drinking

¹ *Legislative Enactments of Ceylon, Subsidiary Legislation*, Chapter 163.

and washing, eating places, first-aid facilities and crèches were made by the Factory Legislation Committee in 1935.

The two new enactments—the Factories Ordinance of 1942 and the Mines, Quarries and Minerals Ordinance of 1947—which are to replace the Mines and Machinery Ordinance, contain detailed provisions regarding workers' welfare. In the first, Part IV deals exclusively with welfare facilities and requires the employer to provide an adequate supply of wholesome water, washing facilities, accommodation for clothing not worn during working hours, facilities for women workers for rest during working hours and first-aid facilities. The Ordinance makes special provision for particular occupations; for example, it calls for proper eating places in establishments where lead, arsenic or other poisonous substances are used or where it is otherwise dangerous to take meals in the room where work is going on. It also provides for the formation of a Factories Advisory Board of officials and non-officials to advise on matters of safety and welfare of workers. The Mines, Quarries and Minerals Ordinance, 1947, requires the provision of water for drinking and washing, latrine accommodation and first-aid facilities in mines.

In the field of industrial hygiene special mention may be made of the weekly industrial clinic recently started at the Government Printing Press, which gives special attention to early signs and symptoms of lead poisoning; limited quantities of milk are distributed free at the Press as a preventive. At the Central Health Exhibition held at Colombo in August 1948, a section on industrial hygiene was organised by the Labour Department and displayed the different types of risks associated with industrial employment.

Shops

Regarding welfare facilities for shop employees, the Shops Ordinance, 1938, requires employers to provide suitable facilities for workers for taking meals in the shop, sanitary conveniences, washing facilities and seats for women workers. It prohibits employees, other than members of the family, from residing in shops. It has been observed, however, that housing difficulties have prevented the enforcement of these provisions. A survey of shops in the Colombo municipal area

in 1948 showed that out of a total of 6,022, with some 30,000 employees, 3,020 had water closets and 3,291 had water taps.

Estates

The provision of welfare facilities, including medical facilities and housing, for the predominantly immigrant labour on the estates is particularly important and presents several problems. The Ceylonese worker, even when he works on the estate, often resides in his village and may even be a part-time farmer. The immigrant worker is a whole-time worker on the estate and has no village home. Housing has to be provided for him and his family, and standards of sanitation and construction have to be maintained to safeguard the health and wellbeing of the estate population.

Extensive provisions regarding the medical wants, housing and welfare of workers on estates are contained in the Medical Wants Ordinance, 1912, and the Diseases (Labourers) Ordinance, 1913. The former provides for the establishment by Government of hospitals and dispensaries in planting districts and for the limited free supply and unlimited supply at cost price of medical drugs to hospitals maintained by estates. It imposes several duties upon employers, including that of summoning medical aid in case of sickness of workers and seeing that children under one year of age resident on the estate receive due care and nourishment. The administration of this Ordinance is financed by an export duty on plantation products. Where an employer provides all medical facilities at his own expense to the satisfaction of the Director of Medical and Health Services, he may be granted a rebate on the duties levied on the produce of his estate. Under the Diseases (Labourers) Ordinance, Government medical officers are required to inspect infected estates and to carry out preventive measures.

These Ordinances and the rules made under them also require employers to adhere to certain standards in the matter of housing accommodation, to ensure proper sanitation of workers' quarters (known as "lines") and to provide facilities for water supply and bathing. An amendment made in 1941 to the Estate Labour (Indian) Ordinance, 1889, requires estate employers who provide housing to provide separate room

accommodation for each married couple and their children. A Medical Wants Committee of officials and non-officials advises the Government in the administration of the two Ordinances.

The 1943 report on labour conditions in Ceylon stated that sanitation on the larger estates was generally good, though on some smaller properties conditions were bad. The water supply was good in most cases, particularly in the hills with numerous streams. The provision of bathing facilities, other than those formed by rivers or streams, was rare. The facilities for washing clothes usually consisted in a standpipe or, failing this, the nearby river. Medical requirements were well provided for. The excellent road system ensured that medical aid was readily available in all employment areas, and even the smaller estates, with only a modest equipment, could still be regarded as well catered for.

During 1948 some 2,300 estates were scheduled under the Medical Wants Ordinance, with a population of nearly a million. In that year 97 hospitals and 696 dispensaries were being maintained by the estates, in addition to the 66 hospitals and 116 dispensaries maintained by the Government in the "estate medical districts"¹; 673 estates had crèches for children. In the same year, returns from 1,542 of the total of 1,647 estates employing Indian labour showed that there were, in all, 222,545 rooms for the workers, comprising 203,398 permanent rooms, of which 10,019 were below standards approved by the authorities; 14,492 semi-permanent rooms, of which 1,911 were below standard; and 4,655 temporary rooms, of which 2,261 were below standard.

It might be added here that the provision of housing on the estate itself is not well received by the workers², who feel that they do not have sufficient security of tenure and are unable to develop adequate family life in isolated lines which are the property of the estate and where the rights of occupation and entry are subject to restrictions of civil and criminal law.³ They also consider such provision to be a limitation on the free exercise of freedom of association.

¹ So declared under the Medical Wants Ordinance.

² *Report of the Ceylon Indian Congress Labour Union for 1949*, p. 6, and the Presidential address at the 8th annual meeting of the Union.

³ For figures of cases of trespass taken to the courts, see *Labour Commissioner's Report, 1948*, table XLI.

Under the Education Ordinance of 1924 (now repealed) estate employers were required to provide for the vernacular education of children between six and ten years of age. They were to appoint teachers and set apart suitable schoolrooms. This provision was repeated in the Education Ordinance of 1939. In view, however, of the Government's decision to convert estate schools into State schools, the Ordinance was amended in 1947 by the Education (Amendment) Ordinance, No. 26 of 1947.¹ The obligation of employers on estates with over 25 children between the ages of six and sixteen now relates to the provision of school buildings and playgrounds and of residential quarters for head teachers.

The responsibility for providing housing and certain medical and schooling facilities for the estate population thus lies mainly on the employers. Major Orde Browne, examining the burden this represented for the employers and its repercussions on the workers, came to the conclusion that in all these matters it would be preferable gradually to transfer the responsibility to the State, that it would be better to group small schools and hospitals around central institutes and to place the management of education, public health and welfare measures under State rather than private control. Regarding housing too, he was in favour of model villages under Government auspices to provide accommodation for the bulk of the workpeople in the area. Here would also be placed the necessary hospital, school, shopping centre, places of worship, entertainment halls, etc.² As just mentioned, all estate schools are to be converted into State primary schools and to form part of the system of national education. The obligation of estates to provide school buildings and gardens will continue until such time as the Government can provide its own schools.

Vital statistics for the estates for a series of years show general improvement and, as compared with those for the rest of the population of the Island, represent a healthier situation in many respects. As the Commission on Social Services remarked: "It seems possible to assume that the improvement of estate conditions, including the establishment of social services, has been the cause of the variation."³

¹ See above, p. 601.

² *Labour Conditions Report, op. cit.*, pp. 18-22.

³ *Social Services Report, op. cit.*, p. 7.

INDUSTRIAL SAFETY

The main purpose of the Mines and Machinery Ordinance of 1896 was to ensure industrial safety; as has already been noted, it contained no provisions regarding working hours or welfare facilities for workers. Power was vested in the Governor to make rules regarding a number of matters, including the safety of persons employed in or about any mine or factory, by regulating the fencing and cleaning of moving machines and restricting the employment of women and young persons near them. He could also require all accidents to be reported and could have enquiries held. Breach of such rules was made a summary offence punishable with fine and imprisonment.

Detailed rules have been made under the Ordinance for the safety of workers in mines and factories. The rules relating to mines require persons in immediate charge of plumbago mines, whether superintendents, managers or owners, to ensure the safety of pits by timbering, and to provide safe means of ascent and descent. They also deal with the inspection of plumbago mines and the protection of pit mouths by railing or gates, with details of hoisting gear, signalling arrangements, the removal of water, the use of explosives, safety lamps, etc. The rules relating to factories deal with the fencing of moving machines and their parts, with pits and other cavities and with insulation and other safeguards for electrical equipment. Persons in control of boilers must hold certificates. Children, young persons and women are prohibited from being employed between the stationary and moving parts of any machinery and from cleaning machines in motion.

In 1935, the Factory Legislation Committee found that the rules then in force were out of date and needed revision.¹ The 1943 report on labour conditions remarked that although accidents in mines appeared to be rare and the workers exhibited no conspicuous signs of distress, the mining industry needed closer supervision and inspection from the point of view of safety and working conditions.

The new Factories Ordinance, 1942, and the Mines, Quarries and Minerals Ordinance, 1947, which when enforced will replace the Mines and Machinery Ordinance, contain special

¹ It also made certain recommendations regarding the safety of buildings and prevention of fires.

provisions for ensuring the safety of workers in factories and mines. Part III, "Safety (General Provisions)", of the Factories Ordinance prescribes details of safety devices which should be used in factories. These relate to all machinery and plant, including prime movers, transmission machinery and all machines used in manufacturing processes generally. Special provision is made for safety measures with respect to steam boilers, steam containers, air receivers and gas holders. This part of the Ordinance also deals with plant for the lifting of personnel, such as hoists and lifts, and with cranes, chains, etc. Provision is further made to ensure safe means of access to and from places of employment in normal conditions and to prevent loss of life by fire and dangerous fumes. Part V of the Ordinance contains special provisions regarding safety, health and welfare. They deal with dust and fumes, protection of the eyes in certain processes, heat, shuttle-threading by mouth suction, use of white phosphorus in match manufacture, underground rooms, laundries, etc. There is provision for the making of special regulations for health and safety wherever necessary to avoid bodily risk or injury to workers. Part VIII of the Ordinance applies its provisions to places other than factories as defined in the Ordinance. These include docks, wharves and ships, works of building and engineering construction and electrical stations. The functions of the Factories Advisory Board of officials and non-officials, which may be appointed under the Ordinance, will include that of advising on matters of workers' safety and welfare.¹

The new Mines, Quarries and Minerals Ordinance, 1947, prescribes the safety and health measures to be adopted in mines and provides for proper ventilation, approved designs for cages, baskets and buckets, proper maintenance of ladders, brakes, ropes and winding gear, precautions against gases, etc., proper timbering of shafts and filling of abandoned shafts. It also restricts the storage of explosive and inflammable substances. All serious accidents and explosions are to be notified within prescribed time limits.

The following table shows the number of accidents reported to the revenue officers and the Inspector of Mines under the Mines and Machinery Ordinance, 1896 :

¹ For a summary of the Ordinance, see INTERNATIONAL LABOUR OFFICE : *Industrial Safety Survey*, Vol. XIX, No. 2, April-June 1943, pp. 70-71.

TABLE VI. INDUSTRIAL ACCIDENTS REPORTED UNDER THE MINES AND MACHINERY ORDINANCE, 1896, DURING THE YEARS 1940-1944, 1946-1948

Year	No. of accidents	No. of persons killed	No. of persons injured
1940	29	2 ¹	8 ¹
1941	26	17	26
1942	37	10	29
1943	21	4	18
1944	17	7	14
1946	25	13	12
1947 ²	9	4	14
1948 ²	23	12	46

Source : *Labour Controller's or Commissioner's Reports.*

¹ Mines only. ² Factories only.

The Controller of Labour suggested in his report for 1938 that the reports of the revenue officers on safety in factories were too optimistic. More comprehensive statistics of industrial accidents are available in connection with the application of the Workmen's Compensation Ordinance, No. 19 of 1934.¹ Those for the same eight years are shown in table VII.

TABLE VII. INDUSTRIAL ACCIDENTS REPORTED UNDER THE WORKMEN'S COMPENSATION ORDINANCE, 1934, DURING THE YEARS 1940-1944, 1946-1948

Year	Number of accidents resulting in		
	Death	Permanent disablement	Temporary disablement
1940	87	228	6,040
1941	78	228	6,766
1942	76	150	5,685
1943	78	241	5,653
1944	53	236	5,636
1946	62	202	5,562
1947	58	212	9,663
1948	71	214	6,331

Source : *Labour Controller's or Commissioner's Reports ; Administration Report of the Director of Social Services for 1948.*

¹ See Part II, section on "Social Security".

MARITIME LABOUR

Ceylon's geographical situation places it in the middle of some of the most important sea routes between Europe and the Far East and Oceania. But it has no mercantile marine of its own nor any organisation for the training of seamen for sea service¹, and the only legislation on their conditions of employment is that concerning the age of admission and medical examination of young persons, described above², and concerning indemnity in case of loss or wreck of the ship (also through the application to Ceylon, by Order in Council in 1937, of the British Merchant Shipping (International Labour Conventions) Act, 1925). If in the case of loss or wreck of a ship (defined so as to exclude navigation in ports) a seaman's services are terminated before the date contemplated in his agreement, he is entitled to his ordinary wages, for a maximum of two months, until his return to port.

The Port of Colombo, which has contributed largely to the economic and commercial prosperity of the Island, affords employment to 14,000-15,000 workers of all categories: stevedores, lightermen, dockers, etc. A scheme introduced in 1942 to regulate conditions of employment in the Port is still in operation with minor modifications. It requires every employer to maintain a register giving specified particulars on all workers employed by him. Every registered worker must be paid a stand-by fee of one rupee on days on which no work can be given. The Government maintains a "reserve pool" of workers, who are allotted to employers requiring their services, and are then paid by the employers for the work done. When no work can be given to a person registered in the reserve pool, he is similarly paid a stand-by wage of one

¹ By an agreement made between the Ceylon Government and the Government of India in 1934, the Indian Government agreed to admit every alternate year a Ceylon boy between thirteen and sixteen years of age to the Indian training ship *Dufferin*. Up to 1949 seven Ceylonese have been admitted. The expenses are paid by the Ceylon Government. There is also provision for the grant of a scholarship to a deserving cadet when he passes out of the *Dufferin*, if he is placed as an apprentice in a shipping company. For further particulars regarding this training, see INTERNATIONAL LABOUR OFFICE, Studies and Reports, New Series, No. 14: *Seafarers' Conditions in India and Pakistan*, by James L. MOWAT (Geneva, 1949), p. 74.

² See p. 601.

rupee by the Government. The employers in the harbour reimburse the expenses incurred by the Government on the reserve pool; they share the amount incurred each month in proportion to the tonnages they have handled during the month. All registered workers who report for duty in the harbour are given a free midday meal at the employer's expense. Special labour officers have been appointed to investigate the grievances of harbour workers and to be generally responsible for their welfare.

A wages board, set up under the Wages Boards Ordinance, for the port, dock and harbour transport trade has been in operation since May 1948.

Part VIII of the Factories Ordinance, 1942, will apply various safety provisions to docks, wharves, warehouses and ships as if they were factories under the Ordinance. The safety measures to be provided deal with loading, unloading and coaling and with all machinery or plant (including gangways and ladders) used in these processes. They also apply to work carried out in a harbour in the repairing, refitting, painting, etc., of a ship, but not to work done by the master or crew of a ship, nor to work done on board ship during a trial run.

The provisions of the same Ordinance regarding labour welfare and the protection of women and young persons, already described, will also become applicable to docks when the Ordinance is enforced. During 1946 the question of welfare facilities for labour in the Port of Colombo was reviewed in great detail. As a result, messrooms, washing facilities, recreation facilities and canteens have been provided on a considerable scale. It is also proposed to undertake a housing project for dock labour.

LABOUR INSPECTION

It is obvious that the protection contained in the labour legislation reviewed above would lose much of its content if it were not properly enforced. The organisation of labour inspection, accordingly, constitutes one of the most important tasks of the Labour Department today. But, it might be recalled, the Department of the Controller of Labour was set up only in 1923 and was to deal mainly with Indian labour

on estates. The Indian Immigrant Labour Ordinance, 1923, empowered the Controller of Labour (as also the Indian Agent in Ceylon) to enter premises where Indian workers were employed and to inspect their conditions, housing, and medical facilities.

Legislation affecting labour had, however, been enacted even before 1923 and required enforcement. This was entrusted to other bodies, such as the executive and medical authorities and the police, by whom some functions of inspection and enforcement are still being discharged.

Labour inspection at present is carried out for the enforcement of laws concerning, in particular: medical and sanitary facilities, protection of wages and supply of food-stuffs and maternity benefits on estates; safety and health in factories and mines; the employment of children, young persons and women; the decisions of wages boards; and employment in shops and similar establishments.

Inspections regarding sanitary and medical arrangements on estates are carried out by the Department of Medical and Sanitary Services. The Women, Young Persons and Children Ordinance, 1923, is enforced by the police authorities and inspections are carried out by them.

Local executive authorities are given powers to ensure the working of the Mines and Machinery Ordinance, 1896. The rules relating to mines made under the Ordinance provide for the organisation of an inspectorate of mines, which is entrusted with the inspection and supervision of mines. Those relating to factories prescribe a system of inspection by licensed engineers, who are appointed by the Director of Public Works for the purpose of inspecting factories and granting certificates of fitness of boilers and of competency of persons in charge of boilers. Factory managers are required to submit once a year to the Government agent of the province a certificate of inspection signed by a licensed engineer, attesting the observance or otherwise of the provisions of the Mines and Machinery Ordinance.

The Committee on Factory Legislation reporting in 1935 pointed out that beyond the remote and general control of the Director of Public Works, there was no supervision of the work of a licensed engineer who, "deriving his livelihood largely from inspection fees, might be reluctant to disoblige

the owner or manager of a factory by refusing a certificate".¹ The Committee felt, on the other hand, that the cost of providing Government inspectors to deal with all factories would be prohibitive. It accordingly proposed that a Chief Inspector of Factories and Mines, with assistants, should be appointed, with powers of supervision over licensed engineers, whose participation in factory inspection was recommended to be continued. The Chief Inspector would be subordinate to the Controller of Labour. As regards sanitary conditions, the Committee thought that medical officers of health should inspect factories and estates.

The appointment of a Chief Inspector of Factories under the Commissioner of Labour and an Inspector of Mines under the Government Mineralogist is provided for in the two new enactments which are to replace the Mines and Machinery Ordinance. The Factories Ordinance, 1942², modifies the system of inspection by licensed engineers by providing that any qualified engineer who is in the service of the Government and is authorised by the Registrar³ is to have the same powers of inspection as a regular inspector. The powers of an inspector include that of entering at all reasonable times by day or night any part of a factory, or by day any place which he has reasonable cause to believe is a factory. The Mines, Quarries and Minerals Ordinance, 1947, envisages a dual system of inspection. As regards safety, the proper authority will be the Inspector of Mines, and health and welfare inspection and enforcement are entrusted to the Commissioner of Labour. The Ordinance also provides for the licensing of engineers for purposes of inspection.

The Labour Department is alone responsible for the organisation of inspection in certain spheres. The most important are those connected with the enforcement of the law regarding wages and wages boards, the law regarding shops and the grant of certain benefits on estates. The number of inspections undertaken during 1948 under the Wages Boards Ordinance was 2,960: those made of 1,707 estates

¹ Sessional Paper XII—1935, *op. cit.*, p. 5.

² The delay in bringing the Ordinance into force has been due principally to the difficulty in securing an officer to fill the post of Inspector of Factories. Cf. *Labour Commissioner's Report, 1948*, p. 33.

³ That is, the Controller (now Commissioner) of Labour.

and 663 establishments were routine inspections ; the remaining 365 estates and 225 establishments were visited as a result of complaints. The inspections led, among other things, to the recovery of over 300,000 rupees in unpaid wages for some 11,700 workers. In the same year nearly 900 first inspections and 3,400 re-inspections were carried out under the Shops Ordinance of 1938.

(To be continued.)
