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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 2/2012.

THE EMPLOYEES' PROVIDENT FUND ACT, No. 15 OF 1958

REGULATIONS made by the Minister of Labour and Labour Relations under Section 46 of the Employees' Provident Fund Act, No. 15 of 1958 as amended from time to time.

GAMINI LOKUGE,
Minister of Labour and Labour Relations.

Colombo,
13th May, 2013.

Regulations

The Employees' Provident Fund Regulations, 1958, published in *Gazette* No. 11,573 of October 31, 1958, as amended from time to time, are hereby further amended as follows:-

- (1) by the insertion, immediately after regulation 6, of the following new regulation :-

"6A. (1) (a) Where an employee becomes a member of the Fund established under the Act, the Commissioner-General of Labour shall assign the National Identity Card Number issued by the Commissioner of Registration of Persons under the Registration of Persons, Act, No.32 of 1968 as an identification number specific to such employee in respect of each zone as may be determined by the Commissioner-General of Labour from time to time:

Provided, however, the Commissioner-General of Labour shall assign an identification number in respect of an employee who does not possess the National Identity Card;

(b) The Commissioner-General of Labour shall assign a numeric number and a letter in the English alphabet to an employer of such employee, when such employee becomes a member of the Fund established under this Act.

(2) Every employer shall indicate such National Identity Card Number or the identification number assigned by the Commissioner-General of Labour to an employee to the name corresponding to the name in the National

Identity Card or to the name to which the identification number is assigned by the Commissioner-General of Labour respectively, in all returns to be sent to the Commissioner-General of Labour and to the Central Bank.

(3) Every employee shall register his finger print marks of the left thumb and the right thumb in the form of electronic record, with the Department of Labour.”.

(2) In regulation 7, by the substitution for paragraph (2), of the following paragraph:-

“(2) (a) Every employer, who is liable under the Act to pay contributions to the Fund and who has employed a minimum of fifty employees, at the time of registration for the payment of contributions shall forward to the Commissioner-General of Labour with a copy to the Central Bank of Sri Lanka a Registration Form in the Electronic Return System substantially in EM-1 of the Fourth Schedule hereto;

(b) Every employer who is liable under sub paragraph (a) of paragraph (2) of Regulation 7 to pay contributions to the Fund shall furnish a monthly return to the Commissioner-General of Labour with a copy to the Central Bank of Sri Lanka not later than the end of the succeeding month substantially in computer file formats EM-2 and EM-3 of the Fifth Schedule hereto.”.

(3) by the insertion, immediately after regulation 7, of the following new regulation:-

“7 A. The Commissioner-General or any other officer authorized by him on his behalf may, if he considers expedient or desirable to do so, request the employer to provide a printed copy, certified by him of any return prepared by the employer electronically and the employer shall comply with such request.”.

(4) In regulation 8, by the substitution for the words “Form D” of the words “Form D with Form D (1)”.

(5) in regulation 9, by the substitution for the words “Form C of the Second Schedule hereto,” of the words “Form C of the Second Schedule hereto or computer file formats EM-2 and EM-3 of the Fifth Schedule, as the case may be.”.

(6) by the insertion, immediately after regulation 31 of the following new regulation:-

“31 A. Every claim for the payment of any benefit referred to in section 23A of the Act shall be substantially in Form “S” of the Second Schedule hereto.”.

(7) by the insertion, immediately after regulation 33 of the following new regulation :-

“33A. (1) (a) For the purposes of section 23A of the Act, the following documents shall be produced by all members to be qualified for housing benefits -

(A) For the construction of a house, purchase of a land for the construction of a house or for the purchase of a house -

- (i) the deed of ownership of the land in employee’s name;
- (ii) the plan of the house to be constructed approved by the respective Pradeshiya Sabhawa or the Local authority;
- (iii) certificate from the Notary Public confirming the ownership of the land;
- (iv) if the employee is not the owner of the land or house a letter from the Vendor of his consent to sell the land or the house to the employee;
- (v) copy of the deed of ownership of the employee or the vendor of the land or house certified by a Notary Public and the title report and the pedigree;

(B) for the redemption of mortgage of housing property -

- (i) Deed of mortgage;
- (ii) the value of the mortgage and the balance amount to be paid;
- (iii) balance amount to be paid, certified by the relevant Bank Manager;

(C) For the settlement of a housing loan received from an approved bank -

- (i) Bank Manager's certificate as to the housing loan taken by the employee and the amount obtained as loan from the respective Bank Manager;
- (ii) balance amount to be paid, certified by the relevant Bank Manager;

(b) for the purposes of Section 23A of the Act, the following documents shall be produced by all members to be qualified for medical treatment benefits:-

- (i) certificate from the Superintendent of Health or an officer authorized by him of a government hospital;
or
- (ii) certificate from the doctor who treated the member of the Fund, his or her spouse or his or her children with a letter from the Administrative Manager of a private hospital;

(c) In this regulation "housing" and "medical treatment" shall have the same meaning as in the Act.

(2) For the purposes of Section 23A of the Act, the maximum amount of benefit receivable by an employee shall not exceed Rupees two million."

(8) in regulation 42, by the substitution, for sub paragraph (g) of paragraph (1) thereof, of the following new sub paragraph:-

"(g) every employee who has been admitted as a member of the Fund shall continue to be a member thereof so long as there is any sum to the credit of his individual account in the Fund."

(9) in regulation 61, by the substitution in paragraph (1) thereof, for the words "by money order," of the words "by money order, bank direct debit system, commercial bank automated payment system";

(10) in regulation 66

(a) by the insertion immediately after the definition "Commissioner" of the following new definition:-

"electronic record" means a written document, or other record created, stored, generated, received, or communicated by electronic means; and

(b) by the insertion immediately after the definition "member" of the following new definition:-

"returns" include electronic returns and electronic records."

(11) In the Second Schedule hereto -

(a) by the insertion, immediately after "Form D", of the following new Form :-

THE EMPLOYEES' PROVIDENT FUND AT No. 15 OF 1958 (REGULATION 8)

Form D (1)

Commissioner -General of Labour

Employees' Provident Fund
 Labour Secretariat, Colombo 05.

1. Name of Establishment or Estate :
2. Details of the Employees:

No.	Name of Employee	Address	Date of Appointment	NIC No.	Salary on Date of Appointment	Nature of Employment	Date of Birth	Previous Membership Numbers
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

(attach separate sheets if necessary)

3. Details of the Employer

(a) Nature of Business (Please Mark the appropriate Box)

Sole Proprietorship	Non- Governmental Organization
Partnership	Project Implemented by the Government
Company registered under the Companies Act	Co-operatives Societies registered under the Co-operative Societies Act
Semi Government Institution	Others

(b) Details of Employer / Employers

No.	Name of Employer /Partner /Director	Private Address	NIC No. (Passport No.)	Contact No.	E-mail
1					
2					
3					
4					
5					

(attach separate sheets if necessary)

4. If EPF payments made earlier, indicate under what number:
5. If there is any change of ownership, I agree to inform you of such particulars of changes and dates.

Date :

.....
 Signature of Employer

Seal of Employer :

Designation of Employer :

(b) by the insertion immediately after "Form R" of the following new Form :-

THE EMPLOYEE'S PROVIDENT FUND ACT, No. 15 OF 1958 (REGULATION 31A)

**FORM "S"
 PART 1**

CLAIM made under section 26 for benefits payable under section 23A of the Act.
 (This claim should be sent to the Commissioner-General of Labour through the employer of the employee.)

1. Full Name of memebr :
2. Address :
3. Full name of member's father :
4. Full name of member's mother :
5. Full name of member's spouse (if married) :
6. Full name of member's Children :
 Name Date of birth

7. Any natural distinguishing marks of member :
8. Membership Numbers (State Employer's Number and Member's Number; also attach Membership Card-"B" Form)

	Employer No.				English Alphabet Letter	Member No.				Date of leaving							
										Y	Y	Y	Y	M	M	D	D
(a) Particulars of employee under the present employer.																	
(b) Previous membership numbers under previous employers.																	

9. Age and date of birt of member :
 (category under which 30% benefit claimed (housing or medical) from the EPF account :

10. Category under which 30% benefit claimed (housing or medical) from the EPF account :
11. Name and address of the current employer :

PARTICULARS OF NATIONAL IDENTITY CARD

Name appearing on National Identity Card :-
 National Identity Card No.
 Date of Issue :-

In addition to this copy for the National Identity Card certified by the Employer should be annexed

FOR HOLDERS OF BANK ACCOUNTS

Type of Account-(savings/Current Account) :- Name of Bank :-
 Account No. :- Bank Branch :-

A copy of detailed page/the monthly bank statement of Current Account should be annexed.

Please order the cheque enabling credit to be made to my Bank Account of the aforesaid Bank.

.....
 Signature of the Member

Date:-

NAME CERTIFICATE

Name as per Birth Certificate/Marriage Certificate :-
 Name as per National Identity Card :-
 Name as per "B" card (Membership Card) :-
 Name as per EPF Account at Central Bank of Sri Lanka :-

I hereby certify that names mentioned above are referred to one and the same person.

.....
 Signature of Employer

THUMB MARKS OF MEMBER

Left	Right

Signature of witness to signature and Thumb Marks of Member :-

Name, Designation and address of witness :-

Fifth Schedule
EM2

{Regulation 7(2)(b)}

Payment detail file (should be named as EVEMP.TXT)

File Name : (EPF Reg.+P)+txt.

No.	Field	Length	Type	Description
1	ZnCode	1	Text	Zone code
2	Emp. No .	6	Numeric	Employer Number
3	ContPeriod	6	Numeric	Contribution Year and Month
4	Submission ID	2	Numeric	Data Submission Number *
5	Total Cont	11.2 **	Numeric	Total Contribution Amount
6	Mem Count	5	Numeric	Number of members contributed for
7	Pay Mode	1	Numeric	Mode of Payment 1 =Cheque 2=Cash 3=Money Order 4=Direct Debit
8	PayRef	20	Text	Payment Reference (Bank Code, Branch Code &Cheque No.)
9	Paydate	10	Numeric	Date of Payment (yyyymmdd)
10	D/OCODE	2	Text	District Office Code No. (Refer annex 9)

* If it sends the file as a one file (including all the staff),the number should be “01”.If it sends under two categories such as “Executive” & “Non-Executive”,the number should be “02”.

11.2** = There should be maximum of 12 digits including 9 integers, decimal point & 2 decimals.

EM3

{Regulation 7(2)(b)}

Contribution detail file (should be named as EVEMC.TXT)

File Name : (EPF Reg.No+C)+txt

No.	Field	Length	Type	Description
1	NICNumber	20	Text	NIC/Passport number
2	LastName	40	Text	Last Name
3	Initials	20	Text	Initials
4	MemNumber	6	Numeric	Member AC number
5	TotCont	9.2*	Numeric	Total Contribution Amount (Rs.)
6	EmpCont	9.2*	Numeric	Employer’s Contribution Amount (Rs.)
7	MemCont	9.2*	Numeric	Member’s Contribution Amount (Rs.)
8	TotEarnings	11.2**	Numeric	Total Earnings (Rs.) Total wages or salary for the month* excluding overtime payment. *This should include basic wage or salary, cost of living allowance, piece rates and incentive payments.

No.	Field	Length	Type	Description
9	MemStatus	1	Text	Member Status E=Extg.N=New V= Vacated
10	ZnCode	1	Text	Zone code
11	EmpNo	6	Numeric	Employer Number
12	ContPeriod	6	Numeric	Contribution Year Month
13	Submission ID	2	Numeric	Data Submission Number***
14	DaysWork	4.2	Numeric	No. of days worked
15	OcGrade	3	Numeric	Occupation Classification Grade (As per the classification of censuses and Statistic Dept.) (Refer Annex 8)

9.2* = There should be maximum of 10 digits including 7 integers, decimal point and 2 decimals.

11.2** = There should be maximum of 12 digits including 9 integers, decimal point and 2 decimals.

*** = If it sends the file as a one file (including all the staff), the number should be "01". If it sends under two categories such as "Executive" & "Non-Executive", the number should be "02".

(13) (1) These regulations, shall subject to the provisions of paragraph (2) of this regulation shall come into operation on the date of publication in the *Gazette* by the Minister;

(2) Regulations 6 and 7, of these regulations shall come into operation on the date on which an order under subsection (6) of section 23 A of the Employees' Provident Fund Act, No. 15 of 1958 as last amended by Act, No. 02 of 2012 is made by the Minister.