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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL
Government Notifications

L.D.-B 2/2012

EMPLOYEES' PROVIDENT FUND ACT, No. 15 OF 1958

REGULATIONS made by the Minister of Labour under Section 46 of the Employees' Provident Fund Act, No.15 of 1958.

NIMAL SIRIPALA DE SILVA (M. P.),
Attorney-at-Law,
Minister of Labour.

Colombo,
08th October, 2021.

Regulations

1. The Employees' Provident Fund Regulations, 1958 published in *Gazette* Extraordinary No.11573 of October 11,1958 as amended, from time to time, are hereby amended as follows:-

(1) by the repeal of regulation 6 and the substitution therefor of the following:-

“6. (1) Every employer of employees in any covered employment shall within thirty days from the date of recruitment of an employee forward to the relevant Labour Office in the area within which the work place of such employee is situated, an employee's record card substantially in Form 'A' of the Second Schedule hereto; and

(2) The Commissioner-General shall issue to such employee, a certificate of membership of the Fund substantially in Form 'B' of the Second Schedule hereto.



- (2) by the repeal of regulation 6A.
- (3) in paragraph (2) of regulation 7-
 - (a) by the substitution, in paragraph (a) for the letters and figure “EM - 1” of the words and figure “Form EM -1”;
 - (b) by the substitution , in paragraph (b) for the words and figures “computer file formats EM - 2 and EM - 3” of the words and figures “Computer File Formats EM-2 and EM-3”;
- (4) in regulation 8, by the substitution for the words and figure “form D with form DI” of the words and figure “Form D with Form D-I”;
- (5) in regulation 9, by the substitution for the words “and figures form C of the Second Schedule hereto or computer file formats EM - 2 and EM - 3 of the fifth Schedule” of the words and figures “Form C of the Second Schedule or Computer File Format EM - 2 and EM - 3 of the Fifth Schedule”.
- (6) by the repeal of regulation 10 and the substitution therefor of the following:-

“10. (1) Every employee to whom the Act applies shall, when required to do so by the Commissioner-General or by his employer, furnish clear impressions of his right thumb and left thumb in the space provided for the purpose on the employee’s record card and in such other document or form including a document or form in electronic media which is required for the purposes of the Act. Every such employee shall in addition appear for a photograph if required so by the Commissioner-General or an officer authorized by the Commissioner General.

(2) Where the impressions of the left and right thumb of an employee cannot be furnished under paragraph (1) due to some sickness, deformity or any such reason, the Commissioner-General or an officer authorized by the Commissioner General shall determine an alternative manner to fulfill this requirement.”.
- (7) by the repeal of regulation 12 and the substitution therefor of the following:-

“12. (1) Every employee to whom the Act applies shall, when take up employment in a covered employment for the first time, personally present before the Commissioner-General or an officer authorized by the Commissioner General to furnish information specified in Form ‘A’ of the Second Schedule hereto.

(2) Every employer to whom the Act applies shall facilitate his employees to comply with the provisions of paragraph (1).

(3) Where any employer refuses or unreasonably delays to certify the employee’s record card (Form 'A') of an employee, such employee may send to the Commissioner-General such record card (Form 'A') without being certified by the employer. In such event if the Commissioner -General is satisfied that the employer has without any reasonable cause refused or delayed to certify such record card (Form 'A'), the Commissioner-General shall, notwithstanding the fact that such employer has not certified employee’s record card (Form 'A'), grant the membership of the Fund to such employee.

(4) The employer shall send to the Commissioner-General, relevant documents relating to the second and subsequent employments, if any, of the employee. The Commissioner-General shall thereupon cause to resend the membership certificate to the relevant employee which shall be retained in the custody of such employee.”.
- (8) by the repeal of regulation 13.
- (9) in regulation 14, by the substitution for the words “fee of one rupee,” of the words “fee of hundred rupees”.

(10) by the repeal of regulation 17.

(11) by the repeal of regulation 31 and the substitution therefor of the following:-

“**31.** (1) Every claim for the payment of any benefit made on any such ground as is referred to in Section 23 of the Act shall be substantially in Form ‘K’ of the Second Schedule.

(2) The employer shall within five working days upon receipt of the duly completed Form ‘K’ from the employee, complete the relevant part that shall be completed by such employer and hand it over to the employee.”.

(12) in regulation 31A, by the substitution for the words “form S” of the words “Form S”.

(13) by the repeal of Form ‘A’, ‘B’, and ‘C’ of the Second Schedule and the substitution therefor of the following:-



FORM A

Employees' Provident Fund - Department of Labour**Employee's Record Card**

The data & information are fed into the computer in English, Hence the application must be filled in English. Please read the instruction sheet for further information.

National Identity Card No. :

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Employer's No. :

						/	
--	--	--	--	--	--	---	--

Member's No. :

--	--	--	--	--	--	--	--

Date Employed From :

		/		/					
--	--	---	--	---	--	--	--	--	--

Nature of Work/ Designation

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Full Name :

Name with initials :

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Permanent Address :

Date of Birth :

		/		/					
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Age :

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7

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7

5

[illegible][illegible][illegible][illegible]

Right Thumb Mark

Signature.

[illegible]

		/			/			
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Signature & Designation of Employer or His
Representative
Official Frank.

Form B

Employees' Provident Fund - Department of Labour

Certificate of Membership

National Identity Card No./Passport No :

Full Name :

Employer's No. : Member's No. :
 ...

Previous No (if any)

Instructions to Employers 98/1

EMPLOYEES' PROVIDENT FUND

IMPORTANT INSTRUCTIONS TO EMPLOYERS. PLEASE READ CAREFULLY FOR COMPLIANCE AND COPY FOR REFERENCE.

Submission of C Form and Payment of Contributions

A pre-printed C Form is sent by the Fund for the convenience of employers, but not as an obligation. Hence, it should be noted to make contributions with relevant forms before the due date irrespective of whether you receive the pre-printed C Form or not.

Duly completed C Form and the cheque attached to, should be sent to reach the Superintendent, EPF before the due date.

- Contributions**

A. duly completed C Form showing the distribution of contributions among employees should be submitted to the Superintendent, EPF, along with the payment of contributions in cash or by bank transfer to the member accounts without a C Form (New submission of C Form contravenes the provisions of the EPF Act No. 15 of 1958).

Send separate cheque and C Form in respect of each employment. Contributions and the C Form for a particular month should be received by the Fund on or before the last working day of the succeeding month.

Do not send contributions in cash.

Draw cheques in favour of "The Superintendent, Employees' Provident Fund". Write the employee EPF registration number clearly on the reverse side of the cheque.
- C Form**

Check the accuracy of month of contributions and employer registration number;

Check the accuracy of contribution total

Amount of the cheque being attached should tally with the "Total Remittance".

Name of new employees should be written as in the National Identity Card.

Pre-printed member particulars should not be changed when filling the C Form.
- Additions of New Names in C Form**

If you have to add a new member or members to the list of employees in the C Form, write or type the new member's name as in the National Identity Card in block letters. Assign the next number in the serial order which has not been assigned to any member of the employment. Fill up the other pages appropriately.
- Member's Mobile Phone Number**

Add an active mobile phone number of the employee in order to receive SMS notifications when the member account is updated monthly.
- Alterations and Amendments**

Do not make alterations on pre-printed information. If you have to make any alterations or amendments in respect of member names or numbers, communicate such information to the Superintendent of EPF in a separate letter. Do not attach letters or notes to the C Form.
- Acknowledgements**

Use separate C Forms for each month to pay contributions in arrears.
- Consequences if C Form is not properly submitted**

C Form information will be rejected without being processed.

No contributions will be credited to individual accounts of members listed in C Form.

Employer is liable to be prosecuted and punished.

SUPERINTENDENT
EPF Department
 No. 13, Sir Baron Agasthiar Mawatha
 Colombo 1 or
 C.O. Box 1295, Colombo.

[illegible][illegible]

(14) In the Second Schedule, -

(a) in form D1,

(i) by the substitution for the words and figure “form D(l)” of the words and figure “Form D-l”;

(ii) in item 3(a) thereof, by the substitution for the words “Sole Proprietorship” of the words “Sole Proprietorship”;

(b) by the repeal of form G;

(c) in form S, -

(i) by the substitution for the words “form S” of the words “Form S”;

(ii) in item 8 thereof, by the substitution for the words “Membership Card “B” form” of the words “Form B (Membership Card)”;

(iii) by the substitution for the words “Name as per “B” Card (Membership Card)” appearing under the heading “Name Certificate”, of the words “Name as per Form “B”(Membership Card)”;

(15) in the Fourth Schedule, -

(a) in form “EM 1”,-

(i) by the substitution for the word and figure “EM 1” of the word and figure “Form EM 1”;

(ii) in item 2.2 thereof, by the substitution for the words “Shop and Office Act” of the words and figures “Shop and Office Employees (Regulation of Employment and Remuneration) Act (Chapter 129);

(iii) in item 2.3 thereof, by the substitution for the words “Wages Board Act” of the words and figures “Wages Board Ordinance (Chapter 136)”;

(iv) in item 4.2 thereof, by the substitution for the word “Land” of the word “Land”;

(v) in item 7 thereof, by the substitution for the words “e- Returns” of the words “e- Returns”;

(vi) by the substitution for the words “declare & agree” of the words “declare”;

(b) in form ‘EM 2’ -

(i) by the substitution for the word and figure “EM 2” of the words and figure “Computer File Format EM 2”;

(ii) in the corresponding entries of item 4, by the substitution for the words and figures “Submission ID” and “Data Submission Number*” of the words and figures “Data Identification Number” and “Data Submission Identification Number*” respectively;

(iii) in the corresponding entry of item 8, by the substitution for the words “Text” and “(Bank Code, Branch Code and Cheque No.)” of the words “Text” and “(Bank Code, Branch Code and Account No. or Cheque No.)” respectively;

(iv) in the corresponding entry of item 10, by the substitution for the words and figures “ District Office Code No. (Refer Annex 9)” of the words and figures District Labour Office Code No.” respectively;

(c) by the repeal of Form EM3’ of the Fifth Schedule and the substitution therefor of the following:

“Form EM 3

Employees’ Provident Fund - Department of Labour

Contribution Detail File (should be named as EVEMC.TXT)

<i>No.</i>	<i>Field</i>	<i>Length</i>	<i>Type</i>	<i>Description</i>
1	NIC Number	20	Text	NIC/Passport number
2	Last Name	40	Text	Last Name
3	Initials	20	Text	Initials
4	Mem. Number	6	Numeric	Member’s Account Number
5	Tot. Cont	9.2*	Numeric	Total Contribution Amount (Rs.)
6	Emp. Cont	9.2*	Numeric	Employer’s Contribution Amount (Rs.)
7	Mem. Cont	9.2*	Numeric	Member’s Contribution Amount (Rs.)
8	Tot. Earnings	11.2**	Numeric	Total Earnings (Rs.)
9	Mem. Status	1	Text	Member Status <i>E=Existing N=New V= Vacated</i>
10	Zn. Code	1	Text	Zone code
11	Emp. No	6	Numeric	Employer Number
12	Cont.Period	6	Numeric	Contribution Year Month

13	Submission ID	2	Numeric	Data Submission Number ***
14	DaysWork	4.2	Numeric	No. of days worked
15	Oc. Grade	3	Numeric	Occupation Classification Grade (As per the classification of Census and Statistics Dept.)

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

It is suggested to replace the above foot note (***) with the following.

Data submission number of the contribution detail file : if an employer submits more than one file for its staff (*e.g.* : for different categories such as “executive”, “Non-Executive”, etc.), the employer should maintain separate data submission number for each of the file.

2. These regulations shall come into operation on June 1, 2022.