

# A CRITICAL EVALUATION OF THE WORKMEN'S COMPENSATION ORDINANCE OF SRI LANKA

## ABSTRACT

Workmen's Compensation Ordinance is the foremost law that acts as the security for all kinds of injuries occurred to employees during employment. Although industrial accidents are wide in range and varied in context, only one statute exists for the compensation and other legal repercussions thereof for the injured party.

This is however quite different to the reality in other countries, mostly developed ones. The nature and severity of industrial accidents have also evolved immensely due to globalized industries penetrating the Sri Lankan market where more and more new industries arise where more and more new forms of employment, physical, psychological and emotional have arisen to cater the demand. This article purports to highlight the main provisions of the Ordinance with regard to compensation liability, calculation and administration of justice during an industrial/occupational accident or injury suffered by an employee.

The article intends to simplify the complex rules provided in the Ordinance especially with regard to the calculation of compensation for the injured party. The article also critically highlights that although physical injuries are reasonably compensated given the conditions, psychological injuries which also part of modern day occupational chores are

not compensated, even in the minute sense of the term. With the growth of knowledge oriented industries, more and more knowledge workers are produced to the market along with the usual category of service personnel which comprises the major portion of Sri Lanka's labour market.

Such workers encounter psychological injuries and traumas and not physical ones. Thereby this articles concludes that Sri Lanka's regulators should direct their attention to the modification of the eighty year old Ordinance to cater to the glowing demands of the present conditions of employment, especially in relation to psychological injuries.

## 1. BACKGROUND

Workmen's Compensation Ordinance is the foremost law that acts as the security for all kinds of injuries occurred to employees during employment. Although industrial accidents are wide in range and varied in context, only one statute exists for the compensation and other legal repercussions thereof for the injured party. The industrial accidents that could happen differs from the industry that an employee engages in to the form of employment that exists (De Silva, 2004). For example industrial accidents in mining will surely differ to that of apparels. Industrial accidents in electricity will differ to that of banks. On the other hand industrial accidents of manual workers with very less technical

tools (ex. In mining) will greatly differ to that of workers in highly automated industries such as vehicle assembly plants, mechanized or Computer Aided Manufacturing (CAM) plants. Therefore industrial accidents are never situated on an equal plane but are varied and depends upon the context.

However a problem arises as there is only a single statute however substantial in nature in Sri Lanka addressing all such industrial accidents. Found as a serious discrepancy in the law of the opinion of prominent jurists (De Silva, 2004) (Kariyawasam, 2000) (Rajaratnam, 1992) and HR practitioners (Adikaram, 2008) (Barret, Rhodes, & Beishon, 1975), it is the author's view that the statute fails predominantly in its role in falling short to provide relief for psychologically injured workers (as elaborated later).

Psychological injury is not a rare occurrence as thought by many. When the 'globalization effect' is experienced much thoroughly by a peripheral country such as Sri Lanka, traditional markets are transformed into new forms catering new industries (Barret, Rhodes, & Beishon, 1975). Previously underdeveloped and much unorganized industries are made to organize under the influence of globalization, especially through the penetration of Multi-National Companies (MNC's). The best example is dairy sector. Here a traditional, unorganized and a largely localized (rather than globalized) industry was drastically transformed into a modern organized competitive industry with new organizational forms (sole proprietorships to incorporation), with the advent of food companies such as Nestle, Glaxo, Fonterra etc.

Psychological injury range from severe traumas to nimble stress symptoms. Of

course stress has been the primarily featuring psychological injury in the occupational disease domain. Even, it was very recently that 'stress' was recognized as a 'serious' occupational injury where for so long it had been ignored and shown no concern what so ever (Institute of Work, Health and Organisations, 2006). Therefore as the psychological injuries occurred during the course of employment have erupted in various fields with varying magnitude, a consolidated measure had been drafted in several research projects especially in other countries to detect the level of psychological injury and the impact to the livelihood of the injured party thereof, which is significantly not given attention to in Sri Lanka's Law (Workmen's Compensation Ordinance No. 19 of 1934). The measure had been called the Psychological Injury Risk Indicator (PIRI) developed in the very recent research.

Having stated the discrepancies of the Ordinance, it must be emphasized that the provisions stipulated in the Ordinance for the compensation of physical injuries of injured workmen are praise-worthy, or more acceptably 'reasonable'. This reasonability is in comparison to the Workmen's compensation law found in other South Asian countries where Sri Lanka regulations regime can be said to be the forerunner along with the Indian Law.

Therefore this article shall review and simplify the more often 'ambiguous' labelled provisions of the Workmen's Compensation Ordinance in relation to liability to pay compensation, calculation of compensation and administration of justice in relation to compensation settlement. The article will critically comment of the earlier pointed out discrepancies of the Ordinance (especially in relation to psychological injury) in the final part.

## 2. CAPACITY AS PER THE ORDINANCE

Roman-Dutch law in Sri Lanka was the earliest national legislation to provide compensation to the workmen by their employers for injury which may be suffered by the workmen as result of an accident during the course of employment. Thus the claims for compensation under the common law raised more inconvenience. Therefore workmen's compensation ordinance was introduced.

According to the Ordinance, employer should pay compensation to employees or their dependents in instances of injury or death of employees that arises out of the employees' employment, arises in the course of their employment, and where employees contract an occupational disease due to the nature of the employment.

As is the case in any form of legal document, ambiguity arises for the interpretation of specific legal terms used in the statute. Such ambiguity is avoided here in this Ordinance as Part I of the act stipulates clearly how the terms should be interpreted, following the '**Literal Rule**' in interpreting statutes. And accordingly following Literal the Ordinance an employer includes; Republic of Sri Lanka, anybody incorporated or not (i.e all the companies, sole traders, partnerships, limited liability partnerships etc), and inheritors and executors of a deceased employer.

One of the other major problems encountered when trying to assess compensation liability is to identify whether a person was acting as an 'employee' under and employment contract. Because otherwise the

Ordinance does not contain provisions for non-employees in compensating for industrial injury. According to the Ordinance thereby an employee is taken to have acted in the '**course of his employment**', when he is engaged in doing something he was employed to do or when he is doing something in the discharge of his duty to the employer imposed on him directly or indirectly.

### ACCORDING TO THE ORDINANCE WORKMEN INCLUDES;

All workmen, including government employees are covered under the Ordinance as per Schedule II. They include;

- i. Executives, Clerks, trainees, laborers
- ii. Employees working on temporary basis, permanent basis or probationary basis
- iii. Employees in government or private businesses
- iv. Employees paid on daily basis, weekly basis or monthly basis
- v. Employees working under written contracts or implied contracts.

### ACCORDING TO THE ORDINANCE FOLLOWING PARTIES ARE EXCLUDED TO RECEIVE ANY COMPENSATION:

- i. Armed Forces of Sri Lanka
- ii. Members of the Police force of Sri Lanka
- iii. Employees faced minor accidents that disable them up to a period of three (03) days only
- iv. Employees faced with injuries, not resulting in deaths that are directly attributable to the fault of employees:

- a. under the influence of liquor or drugs
- b. Willful disobedience
- c. Willful removal of disregarding any safety guard or device

course of his work. However, the liability of the employer does not extend to personal injury that does not result in the total or partial disablement of the worker for a period of three days.

### 3. LIABILITY FOR COMPENSATION AS PER THE ORDINANCE

As per the current provision of the Ordinance, if an ‘employee’ (an employee as per the definition stipulated in the first part of the Ordinance itself) is personally injured, he/she is reserved a legal right to claim compensation for the loss or damage incurred due to the injury on condition that injury should be an accident, arising out of employment, and in the course of employment (Workmen’s Compensation Ordinance No. 19 of 1934).

Ordinance states that in respect of an injury not resulting in death caused by an accident directly attributable to negligence on the part of the worker, the employer is not liable to pay compensation. The employer is not liable to pay compensation to a worker in respect of any disease unless the disease can be directly attributable to a specific injury by accident as a result of his/ her employment or if the disease is reasonably attributable to the nature of his/ her employment.

Negligence on this question is defined as: if the worker had been at the time of the accident been under the influence of alcohol or drugs, if the worker willfully disobeyed an --



There are also limitations on the liability of the employer provided for under this Ordinance.

An employer is liable to pay compensation to a workman for any injury caused due to an accident arising out of the

order expressly given or framed for the purpose of securing the safety of the workers, or the willful removal or disregard by the worker of any safeguards or safety devices which he/she was aware were provided for securing his/her safety (Workmen’s Compensation Ordinance No. 19 of 1934).

As is the case in every other law pertaining to any discipline, the wealth of meanings and crucial applications derived from a legal document (especially an act of Parliament) is found in decided cases of the Court of Law. For the current concern, the application of the Workmen's Compensation Ordinance is mainly found in several Supreme Court and Court of Appeal decisions given by the judges in interpreting the important clauses of the act. Since Sri Lanka's courts follow **stare decisis, ratio decidendi and obiter dicta** principles, this case law is profoundly vital for any application of compensation law. The facts of the cases too illuminate the context and basis where the legislators had in mind in drafting the statute. Since the 'legal' facts of the cases are not necessary for the present article at hand, it would be worthwhile to state the relevant cases with what was held by the judge for further reference.

## CASE LAW DEFINING WHAT IS AN OCCUPATIONAL ACCIDENT

### I. THE STATE DISTILLERIES CORPORATION VS MARY NONA

It was held in this case that in the light of the medical evidence (according to the facts of the case) that lorry driving being strenuous work causes tension and that long hours of driving can cause heart disease and in the absence of evidence that the workman even without being engaged on such work would none the less have died of heart attack, it was reasonable to conclude that the work he was engaged upon brought about his death. The workman's death was therefore due to an **"accident"** within the meaning of section 3 of the Ordinance arising-out of" his employment.

### 2. PERERA VS BROWN & COMPANY

It was held in this case that the death of the employee concerned was caused by an accident within the meaning of section 3 of the Workmen's Compensation Ordinance, but that the accident did not arise out of or in the course of employment within the meaning of the section.

## ACCIDENTS ARISING OUT OF EMPLOYMENT

It is the author's view that mentioning following cases are worth for further reading for a reader who is interested in evaluating the judicial precedents pertaining to the industrial accidents arising out of employment. However this is not relevant to the ambit of the present paper.

- i. **Dhanuskodi Vs Michael Fernando** 49 NLR 169
- ii. **Walli Amma Vs Tea Fold Hill Rubber State** 62 NLR 468
- iii. **Kelaart Vs Piyadasa** 44 NLR 485
- iv. **Krishnakutty Vs Mari Nona** 52 NLR 66

## CASE LAW RELATING TO ACCIDENTS ARISING OUT OF EMPLOYMENT

- i. **Dhanuskodi Vs Michael Fernando** 49 NLR 169

It was held in this case: **"I set aside the order of the Commissioner and send the case back to him for the assessment of compensation. The appellant is entitled to costs of the proceedings before the Commissioner and the costs of appeal."** - Wijeyewardene J.

In this case importantly, following the general rules of Tort Law and general Civil Procedure, the victimized party (in this case the

employee) was given the right to claim the costs of the litigation and other relevant procedures costs (including legal fees) which would have been in the detriment of the employees in general discouraging them not to take legal recourse due to higher costs involved.

**ii. Kelaart Vs Piyadasa 44 NLR 485**

It was held in this case that Aron (employee concerned in the case), when he got on to the scaffolding, took himself out of the scope of his ‘employment and as the accident took place before he resumed employment, the Ordinance was not done for the purposes of, or in connection with, his employer’s business.

**CASE LAW FOR PROOF OF INJURIES ARISING DURING THE COURSE OF EMPLOYMENT.**

**i. Dias Vs Jane Nona**

It was held in this case that the deceased did not receive personal injuries by an accident arising out of and in the course of his--

employment under the proprietor of the estate within the meaning of section 3 of the Workmen’s Compensation Ordinance.

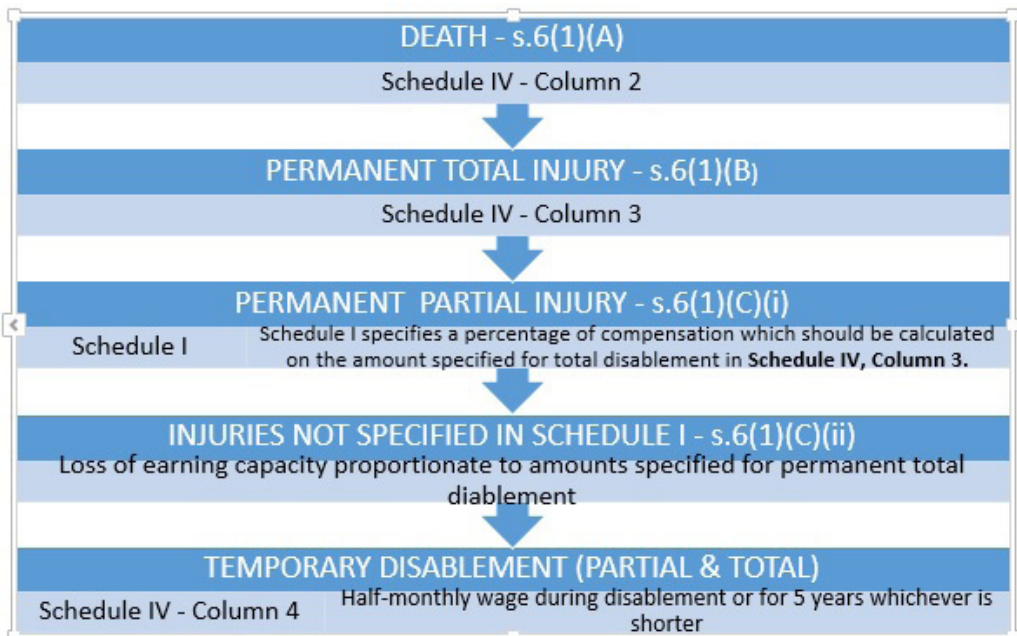
**ii. Alice Nona Vs Wickremesinghe**

It was held in this case the death was caused by an accident arising out of and in the course of employment within the meaning of section 3 of the Workmen’s Compensation Ordinance, No. 19 of 1934.

**4. CLAIMING COMPENSATION AS PER THE ORDINANCE**

Part III of the Ordinance covers the law relating to the calculation of amount of compensation. Schedule IV is comprised of different levels of compensation amounts payable by the employer in the event of,

- i. Death,
- ii. Permanent total disablement and
- iii. Temporary disablement.



**Figure 1**

Schedule I of the Ordinance is comprised of different forms of injuries and the corresponding percentage of compensation.

Figure 01 illustrates which provisions of the Workmen’s Ordinance applies to different situations of injury from death to temporary disablement. The act specifically stipulates how the compensation amount should be calculated in all those situation using the Schedules provided at the end of the Ordinance.

**OTHER RULES UNDER S.6 THAT MUST BE CONSIDERED WHEN CALCULATING COMPENSATION:**

Where there are more than one injury caused by the same accident, under s.16(1)(C) and Schedule I, the compensation must be aggregated but not exceeding the amount that is payable in the event of a permanent total disablement. Any lump sum or half monthly payment paid by the employer as a form of compensation for the employee during the period of disablement prior to the receipt of final award by the court can be deducted from that amount as per s.6(1)(D)(a).

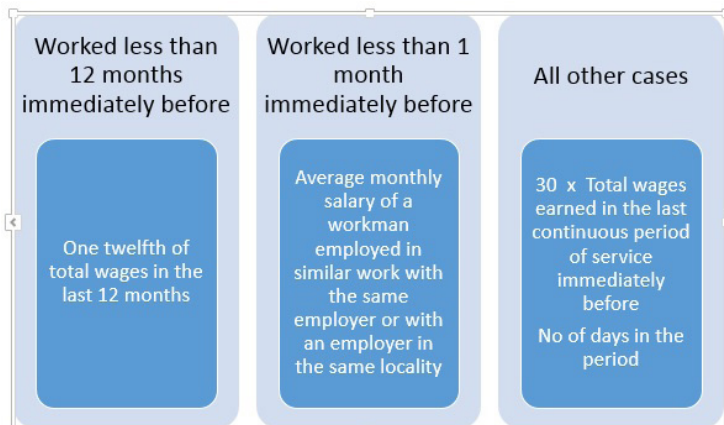
No half-monthly payment can in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of wages which he is earning after the accident. In a case where for the whole or any part of the period of disablement referred to in paragraph s.6(1)(D)(a)., a workman occupies any premise belonging to his employer and pays no rent to him for such occupation, the amount fixed by agreement between the workman and his employer or, failing such agreement, the amount determined by the Commissioner as a fair rental of the premises for the

period of such occupation should be deemed to have been received by the workman as an allowance by way of compensation from his employer for the purpose of com putting the deduction to be made from any lump s um or half-monthly payments to which the workman is entitled.

As per s.10 of the Ordinance, where the injured workmen died due to his/her injuries, both partial and total dependents are eligible to receive compensation on behalf of the workman. However if the dependent dies before a claim or a reward under this Ordinance, the deceased dependent’s heirs, executors or administrators have no right of compensation.

**CALCULATION OF WAGES**

As per s.7 of the Ordinance there are three rules for the computation of the monthly wage of an injured employee which has to be determined for the calculation of compensation in the event of an injury. The rules as per the same section are applicable provided that the employee was employed continuously immediately before the accident occurred. The rules on calculating the wages of the injured employee to be considered for the calculation of compensation is summarized in the figure below.



As per s.11 of the Ordinance, no payment of compensation in respect of a deadly injury or lump sum compensation to a woman or a person under legal disability be made other than by a deposit with the commissioner. All other direct payments to employees with respect to above situation are deemed invalid.

As per s.12 of the Ordinance, the commissioner receives the right to deduct the actual cost of funeral expenses of the deceased workman to; an amount not exceeding ten thousand rupees, where the compensation does not exceed two hundred thousand rupees ; an amount not exceeding fifteen thousand rupees , where the compensation does not exceed three hundred thousand rupees ; and an amount not exceeding twenty thousand rupees ; where the compensation does not exceed five hundred thousand rupees

As per s.13 of the ordinance, commissioner receives the right to pay the deposited amount directly to the person payable other than to a woman or a person under legal disability whose deposits must be invested, applied or otherwise dealt with for the benefit of such person during the disability.

As per s.22 of this Ordinance, workman receives the right to claim damages of compensation from a principal contractor who has contracted with a third party to provide services for principal's ordinary trade or business with whom the workman is employed currently. However the principal is able to indemnify such losses from the contractor.

As per s.24 of this Ordinance, in event of the employer becoming insolvent and where the employer has insured against any rights of the employees for compensation for liabilities under this ordinance, the rights of the employer

will be transferred to the employee.

As per s.21 of this Ordinance, where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a registered medical practitioner, submit himself for such examination; and any workman who is in receipt of a half-monthly payment under this Ordinance shall, if so required, submit himself for such examination from time to time, provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

Workmen who are 'Masters' of registered ships and 'Seamen' also falls under the ambit of this Ordinance as per Part V.

## 5. ADMINISTRATION OF JUSTICE FOR COMPENSATION AS PER THE ORDINANCE

As also the case in most of other legislations, a commissioner is appointed by the Workmen's Ordinance as the chief public officer in-charge of most of the activities described throughout this ordinance. The commissioner is the principal officer administering this ordinance


As per s.26, 27 and 28 a 'Commissioner for Workmen's Compensation for Sri Lanka' is appointed along with a number of deputy commissioners and assistant commissioners (for local areas).



Primary functions of the office of the commissioner includes conducting judicial inquiries into claims of compensation, taking measures to enforce orders when payment of compensation is disregarded or defaulted and to keep the custody of the compensation entitled to minor dependants of a deceased workman until they reach 18 years of age. (Workmen's Compensation Ordinance No. 19 of 1934).

S.34 prescribes different forms requiring to be submitted for the commissioner to take further action in the administration of this Ordinance. Those forms are listed below.

As per s.35, a commissioner has the power of a civil court under Civil Procedure Code, to take evidence on oath, to enforce attendance of witness and to compel the production of documents and material objects.



For Employees


- i) **Form A** : Application for Compensation
- ii) **Form B** : Application for order to deposit

Figure 3

For Employers

- iii) **Form G** : Memorandum or Agreement
- iv) **Form O** : Report of a Fatal accident
- v) **Form Q** : Report of an accident

Other

- vi) Medical Examination Report
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As per s.30 of this Ordinance, all questions relating to the determination of liability of compensation, amount or duration of compensation, age of any workman or dependent and whether a person is injured or not will be determined by the commissioner. And As per s.32 of the same Ordinance, the commissioners are able to obtain expert opinion in making the above determinations where there would be a potential dispute as to how compensation should be calculated where complicated contextual matters may be over-determining the usual calculation methodology.

And as per s.40 of the Ordinance, a commissioner can request the opinion of the Court of Appeal for a necessary situation on a question of law and subsequently will decide upon the matter in conformity with the Court of Appeal's decision.

The commissioner also has the power as per s.41 of the Ordinance to act in the capacity of a Magistrate to recover due amounts from an employer. If failed after six months, the commissioner will have the right to refer the case to the District Court or the

Primary Court depending on the amount payable for the seizure and sale of property of the employer to recover the payable amount.

## 6. CRITIQUE OF THE ORDINANCE – PSYCHOLOGICAL INJURY

As it was discussed in the introduction, psychological injury as it seems had never been in the mind of the legislators of this act (De Silva, 2004). It can be argued that such ignorance is justified on the basis that the Ordinance was drafted back in 1930's and that at that point of time, there was no need for the consideration of psychological injury as the industries were more mechanized than knowledge and service oriented (Jones, Latreille, & Sloane, 2011). But the global market conditions have evolved so much so that an agricultural economy in the early part of the 20th century has transformed into a service based economy where the 60% of the GDP is generated by services and not manufacturing or industry.

At such a backdrop, where more and more workers are engaged with services and not physical work – there are more salesmen than labourers – occupational accidents and injuries are not occurred physically but also psychologically. It could be argued to the extreme that notwithstanding there are still a larger amount of physical injuries erupting in news (Clegg, 1960), psychological injuries (ranging from stress to permanent psychological impairment) may amount to 60% (or at least closer to the figure 60%, following GDP complement) of the work related injuries arising during the course of employment and because of employment. Of course this figure does not contain any reliable statistical backing, but it could be alarming for

the researchers in the field, that such empirical research has never been carried out in Sri Lanka highlighting the main argument in this paper that of psychological injuries are suppressed by the wealth of visible physical injuries.

The main reason that psychological injuries are largely undervalued and underestimated is the lack of physical symptoms or visible impact upon the injured employees hindering his or her work at the work place (Institute of Work, Health and Organisations, 2006). It is no doubt from the point of view of the psychologically impaired party, such a damage is extremely unbearable sometimes even more than physical injuries where the injuries is outside the body. Since psychological damage is experienced by the victimized party within him/herself alienating oneself, such damage could be argued to be much serious than physical damages (Gnam, 1998).

On that premise, psychological impairment as a work place injury had been recognized by many developed nations (Jones, Latreille, & Sloane, 2011). But to the detriment of the Sri Lankan workforce, it is not so in Sri Lanka.



The significant legalization of psychological injury is to be found in the UK

legislations (Institute of Work, Health and Organisations, 2006). The inclusion of mental impairment within this definition has opened the door for work-related stress claims. The Act stipulates that in the context of psychological ill-health, mental impairment refers to a clinically defined illness that is recognised by a respected body of medical opinion.

The Guidance accompanying the Act suggests that such a respected body would include the World Health Organisation and its International Classification of Diseases (ICD-10). The Employee Appeal Tribunal has clarified that ICD-10 should be used rather than the more stringent criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) (Disability Rights Commission, 2002). The question of the nature of mental impairments resulting from or consisting of mental illness was clarified in *Morgan v. Staffordshire University* [2002] ICR 475 (De Silva, 2004). The case established that sickness certificates obtained from a general practitioner that refer to **'anxiety', 'stress', nervous debility', and 'depression'** are insufficient alone to establish that the claimant suffers from a clinically well-recognised mental illness (Institute of Work, Health and Organisations, 2006).

Work-related stress is anyway a very important and complex phenomenon. Occupational health surveillance must check for the presence of environmental stressors in the workplace, determine how they are perceived by workers, and assess any possible resulting psychological damage (Gnam, 1998). The occupational physician has a number of

tools that can be used before regular medical examinations of workers to measure the risk factors, the perception of risk, and the ultimate psychological effects. The literature includes a large number of questionnaires that cover the



first two areas, while there are relatively few screening tools to indicate psychological damage (Jones, Latreille, & Sloane, 2011).

And most importantly there emerged a necessity of designing a matrix or a measure for the measurement of psychological injury. This objective was achieved complementarily by the research carried out by P. C. Winwood (Magnavita, Garbarino, & Winwood, 2015). A measure called Psychological Injury Risk Indicator (PIRI) was introduced where a 30 question likert scale questionnaire was developed to detect the level of impact a psychological intrusion has caused to the psyche of the victimized party (Buodo, Novara, Ghisi, & Palomba, 2012). The nature of the measure is quoted below.

**“The PIRI included 30 questions.**

Questions 1–26 yielded 7 replies, with a score graded according to a Likert scale, comprising 4 subscales: A, “sleep problems” (6 items), B, “recovery failure” (5 items), C, “posttraumatic stress symptoms” (10 items), and D, “chronic fatigue” (5 items). Questions 27–30 were dichotomous (yes/no) items, corresponding to the Rapid Alcohol Problems Screen (RAPS 4) measure, a four-question quiz designed for detecting alcohol dependence [9]. The raw score total was standardized, so the range was between 0 and 100. The GHQ12 comprised 12 questions, each of which had 4 replies graded according to a Likert scale. The total score was standardized to make it homogeneous with the PIRI scale, so that the score ranged from 0 to 100.” (Magnavita, Garbarino, & Winwood, 2015).

Therefore it could be inferred that the earlier claim that psychological injury cannot be quantified or assessed accurately to provide for a legal responsibility to pay compensation and that it could give way to arbitrary effects (Jones, Latreille, & Sloane, 2011) where employees may be inclined or even solicited to claim compensation for the slightest psychological pressure faced hindering the industrial harmony and job performance, should be dropped here. Of course there was a ambiguity relating to psychological injury when the concept was initially under research. However the recent research (Buodo, Novara, Ghisi, & Palomba, 2012) (Gnam, 1998) (Institute of Work, Health and Organisations, 2006) (Jones, Latreille, & Sloane, 2011) has proven that psychological injury is ‘real’ and that it can be quantified and measured to grant for legal compensation. Those research also clearly demarcated the line between psychological injury and psychological pressure, elaboration for which is not under the realm of this paper. Various

psychological pressures might be said to be of higher frequency felt by almost all individuals. But psychological injury is a severe situation as defined in those research (Buodo, Novara, Ghisi, & Palomba, 2012) where effects and impacts similar or in most cases much more graver than physical injury are experienced by the victim.

## 7. CONCLUSION

Workmen’s Compensation Ordinance is an important piece of legislation in Sri Lanka, especially for labour law affairs. It effectively covers all sort of physical injuries that could cause impairment to a workman and stipulates reasonable compensation thereof for the victimized party payable by the employer. There is a large number of decided case law with judicial precedent acting as legal authorities in defining the ambit and the impact of this law.

However having said that, the Ordinance possesses a serious short-coming almost ridiculous as to its omission on the contention of the author such that psychological impairment or damage or injury is not provided for compensation liability by the employer. In a globalised market and in a service economy where the labour market is predominantly oriented towards service industries and not manufacturing, psychological injuries ranging from occupational stress to serious traumas are becoming more and more a common occurrence. And in comparison to some of innovative legislations enacted by various developed countries (especially the UK), Sri Lanka is struggling behind where the attention of the regulators should be drawn to it immediately. Otherwise the serious impediment caused to the labour market and

employment security (as a public policy) will be left untouched creating severe doubts on the minds of every workman, which could lead to grave no-confidence on the part of the workman hindering industrial harmony.

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