

**Masking face at workplace: unmasking the law relating to termination of services
in Sri Lanka**

A. Sarveswaran*

Department of Private and Comparative Law, University of Colombo

A labour issue that has emerged due to the COVID – 19 pandemic is dealing with employees who do not wear a face mask at workplace. The objective of the research is to assess whether not wearing a face mask at workplace justifies termination of services. The research is qualitative research based on statutory provisions and decided cases. An employee does not have the freedom of personal choice to refuse wearing a mask as he places not only himself but also others at risk. As it is a legal requirement to wear a mask in a public place and an employer has a legal obligation to ensure that every person in his workplace wears a mask, the employer shall insist his employees to wear a mask. If an employee does not wear a mask, the employer shall provide a mask and insist him to wear the mask. Failure or refusal to wear the mask would be disobedience which warrants disciplinary action against him. The question whether the misconduct justifies warning or termination of services depends on the nature of the workplace, nature of the work and exposure risk. If an employee has health issues in wearing a face mask, the employer shall explore suitable arrangements to the employee or terminate the employment of the employee on non-disciplinary ground by following the procedure under the Termination of Employment of Workman (Special Provisions) Act. It is recommended to enact legislation with regard to occupational health and safety, and include a clause obligating the employers and employees to safeguard health and safety of all persons in workplaces.

Keywords: COVID -19, disobedience, mask, termination.

* Email: sarwes@law.cmb.ac.lk